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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 **MARK BAIRD and RICHARD**
 13 **GALLARDO,**
 14 Plaintiffs,
 15 v.
 16 **ROB BONTA, in his official capacity as**
 17 **Attorney General of the State of California,**
 18 **and DOES 1-10,**
 19 Defendants.

2:19-cv-00617-KJM-AC

**DEFENDANT’S UPDATED REQUEST
 FOR JUDICIAL NOTICE -
 COMPENDIUM OF HISTORICAL
 LAWS**

VOLUME 7 OF 7

GUNPOWDER STORAGE LAWS

ACTS AND RESOLVES
OF
MASSACHUSETTS.

1782-83.

[REPRINTED UNDER CHAPTER 104 OF THE RESOLVES OF 1889.]

1782. — CHAPTER 46.

119

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Sum not exceeding *Two Thousand Pounds* be raised by a Lottery or Lotteries, for and to the Purpose of re-building the said Mills; and that *John Pitts* and *John White*, Esquires, and Mr. *William Paine*, or any two of them, shall be Managers of the said Lottery or Lotteries, who shall be sworn to the faithful Performance of their Trust; which said Managers shall make and publish in such News Papers as they shall judge proper, a Scheme for the said Lottery or Lotteries, as soon as may be; and they shall also publish therewith all necessary Rules and Regulations for the Management thereof. And all Prizes which may be drawn in the said Lottery or Lotteries, shall be paid without any Deduction, provided they are demanded within Six Months after the Drawing of the said Lottery or Lotteries, otherwise the Money arising from such Prizes, shall be appropriated to the Purpose aforesaid.

£2000 to be raised by Lottery.

Names of the Managers.

And be it further enacted, That if any Person shall forge, counterfeit, or alter any Lottery Ticket issued by Virtue of this Act, or shall pass or utter any such forged, counterfeited or altered Ticket, knowing the same to be false, forged, counterfeited or altered, or shall advise or assist in forging, altering, or counterfeiting the same, every Person so offending, and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the Gallows for the Space of one Hour, with a Rope round his Neck, or shall pay a Fine not exceeding *One Hundred Pounds*, to the Use of this Commonwealth, or suffer not more than Twelve Months Imprisonment, nor less than Two, or be publicly whipped, not exceeding Thirty-nine Stripes, at the Discretion of the said Supreme Judicial Court, according to the Nature and Circumstances of the Offence.

Persons guilty of Forgery.

Penalty.

February 26, 1783.

1782. — Chapter 46.

[January Session, ch. 13.]

AN ACT IN ADDITION TO THE SEVERAL ACTS ALREADY MADE FOR THE PRUDENT STORAGE OF GUN POWDER WITHIN THE TOWN OF BOSTON. *Chap. 46*

Whereas the depositing of loaded Arms in the Houses of the Town of Boston, is dangerous to the Lives of those who

Preamble.

are disposed to exert themselves when a Fire happens to break out in the said Town :

Persons prohibited taking into their Dwellings, &c. any piece of Ordnance loaded with Gun Powder.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That if any Person shall take into any Dwelling House, Stable, Barn, Out House, Ware House, Store, Shop, or other Building within the Town of *Boston*, any Cannon, Swivel, Mortar, Howitzer, Cohorn, or Fire Arm, loaded with, or having Gun Powder in the same, or shall receive into any Dwelling House, Stable, Barn, Out House, Store, Ware House, Shop, or other Building, within the said Town, any Bomb, Grenade, or other Iron Shell, charged with, or having Gun Powder in the same, such Person shall forfeit and pay the Sum of *Ten Pounds*, to be recovered at the Suit of the Firewards of the said Town, in an Action of Debt, before any Court proper to try the same; one Moiety thereof to the Use of the said Firewards, and the other Moiety to the Support of the Poor of the Town of *Boston*.

Penalty.

Pieces of Ordnance charged with Gun Powder found in any Dwelling House, &c. liable to be seized.

And be it further enacted by the Authority aforesaid, That all Cannon, Swivels, Mortars, Howitzers, Cohorns, Fire Arms, Bombs, Granades, and Iron Shells of any Kind, that shall be found in any Dwelling House, Out House, Stable, Barn, Store, Ware House, Shop, or other Building, charged with, or having in them any Gun Powder, shall be liable to be seized by either of the Firewards of the said Town: And upon Complaint made by the said Firewards to the Court of Common Pleas, of such Cannon, Swivels, Mortars, or Howitzer, being so found, the Court shall proceed to try the Merits of such Complaint by a Jury; and if the Jury shall find such Complaint supported, such Cannon, Swivel, Mortar, or Howitzer, shall be adjudged forfeit, and be sold at public Auction; and one Half of the Proceeds thereof shall be disposed of to the Firewards, and the other Half to the Use of the Poor of the Town of *Boston*. And when any Fire Arms, or any Bomb, Grenade, or other Shell, shall be found in any House, Out House, Barn, Stable, Store, Warehouse, Shop, or other Building, so charged, or having Gun Powder in the same, the same shall be liable to be seized in Manner aforesaid; and on Complaint thereof, made and supported before a Justice of the Peace, shall be sold and disposed of as is above provided for Cannon.

How disposed of in Cases of Forfeiture.

Appeals allowed.

Be it further enacted, That Appeals shall be allowed in Prosecutions upon this Act as is usual in other Cases.

March 1, 1783.



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1784 627 .

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", " New York - 7th Legislative Session : 627-629

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L A W S
OF THE
STATE OF NEW - YORK,

PASSED AT THE

FIRST MEETING OF THE SEVENTH SESSION OF THE LEGISLATURE
OF SAID STATE.

CHAP. 1.

AN ACT to lay a duty of tonnage on vessels for defraying the
expence of the lighthouse at Sandy Hook.

PASSED the 12th of February, 1784.

I. Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, Duty levied.
That a duty of four pence per ton shall be levied and collected on all vessels which shall arrive from sea into the port of New York excepting vessels the property of citizens of this State while actually employed on whaling or coasting voyages, and all vessels the entire property of citizens of any of the United States, which shall not exceed the burthen of sixty tons carpenters tonnage.

That for the orderly collection of the said duty it shall be lawful for the master and wardens of the port of New York, who are or shall be appointed by the council of appointment, to appoint a clerk to execute the duties enjoined upon him by this act. Clerk to be appointed to collect same.

That every master or commander of a vessel claiming an exemption from the said duty shall if required make oath before the said clerk or in his absence before any of the said wardens who are hereby respectively empowered to administer the same. That according to the best of his knowledge and belief such vessel is a whaling or a coasting vessel entitled to exemption from the said duty, according to the true intent meaning of this act; and in case of refusal to take the said oath such master or commander shall be liable not only to the duty of tonnage the penalties in such cases to be imposed by this act. That every master of a vessel subject to the said duty who shall not within twenty-four Masters claiming exemption to make oath. Penalty for failure to report to clerk on arrival.

And be it further enacted by the authority aforesaid That whenever any person shall refuse to appear and make affidavit in pursuance of such summons, a warrant shall issue from such judge or magistrate to compel his appearance, and if on his appearance he shall refuse to make affidavit, or affirmation if a Quaker, of the fact which may be within his knowledge touching the matters in question, he shall be committed to the common gaol of the county, there to remain without bail or mainprise for the term of six callender months.

Warrant to issue against witnesses refusing to appear.

CHAP. 27.

AN ACT to repeal an act entitled An act to revive and amend an act entitled an act more effectually to prevent robberies within this State.

PASSED the 10th of April, 1784.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act entitled "An act to revive and amend an act entitled an act more effectually to prevent robberies within this State," passed the first day of July, one thousand seven hundred and eighty, shall be, and the same is hereby repealed.

Act named repealed.

CHAP. 28.

AN ACT to prevent the danger arising from the pernicious practice of lodging gun powder in dwelling houses, stores, or other places within certain parts of the city of New York, or on board of vessels within the harbour thereof.

PASSED the 13th of April, 1784.

WHEREAS the storing of gun powder within the city of New York is dangerous to the safety thereof.

Preamble.

Be it therefore enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawfull for any merchant, shopkeeper, or retailer, or any other person, or persons whatsoever, to have or keep any quantity of gun powder exceeding twenty-eight pounds weight, in any one place, less than one mile to the northward of the city hall of the said city, except in the public magazine at the Fresh-water, and the said quantity of twenty-eight pounds weight, which shall be lawfull for any person to have and keep at any place within this city, shall be seperated into four stone jugs or tin canisters, which shall not contain more than seven pounds each, on pain of forfeiting all such gun powder, and the sum of fifty pounds for every hundred weight, and in that proportion for a greater or lesser quantity, and upon pain of forfeiting such quantity which any person may lawfully keep as aforesaid, and which shall not be seperated as above directed, with full costs of suit to any person, or persons, who will inform and sue for the same, by any action, bill, or information, in any of the courts of record, in this city, who are hereby impowered, and required, to give special judgment in such action bills or informations, to be brought

Unlawful to keep gunpowder in quantities exceeding twenty-eight pounds except in public magazine, etc.

Penalty.

by virtue of this act, as well for the recovery of the value of such gun powder in specie, as for the penalty aforesaid, besides costs, and to award, effectual execution thereon, provided always that all suits, actions, or prosecutions to be brought, commenced, or prosecuted, against any person or persons, for any thing done in pursuance of this act, shall be commenced and prosecuted without willful delay, within two callender months next after the fact was committed, and not otherwise.

And whereas vessels arriving from sea, and having onboard as part of their cargo a quantity of gun powder.

Gunpow-
der on
vessels to
be landed
before
vessel
hauls
alongside
of wharf,
etc.

Be it enacted by the authority aforesaid, That the commander, or owner or owners, of all such ships or vessels, having gun powder onboard, shall, within twenty-four hours after her arrival in the harbour, and before they hawl along side of any wharf, pier or key within the city, land the said gun powder, by means of their boat or boats, or any other craft, at any place along the ship yards on the East river, or at any place to the northward of the air furnace on the North river, which may be most contiguous to the magazine at Fresh water, and shall cause the same to be stored there, or in any other proper magazine, which now is or hereafter may be built for that purpose, at any place to the northward thereof, on pain of forfeiting all such gun powder, to any person or persons, who will inform and sue for the same, in like manner, as is herein before directed, with respect to the having and storing of gun powder within the city as aforesaid. And in order to prevent any fatal consequences which may arise, from the carriage of gun powder, in and through the streets of the city of New York, by carts, carriages, or by hand, or otherways, it shall be in tight cask, well headed and hooped, and shall be put into bags or leather-cases, and intirely covered therewith, so as that none be spilt or scattered in the passage thereof, on pain of forfeiting all such gun powder, as shall be conveyed through any of the streets aforesaid in any other manner than is herein directed, and it shall and may be lawfull for any person or persons, to seize the same to his or their own use and benefit— provided the person or persons so offending, be thereof lawfully convicted, before the mayor, recorder, or any two justices of the city aforesaid. And that it shall and may be lawfull, for the mayor recorder, or any two justices of the peace of the city and county of New York, upon demand made by any inhabitant or inhabitants of the said city, who assigning a reasonable cause of suspicion on oath, of the sufficiency of which the said mayor or recorder, or justices, is and are to judge, to issue his or their warrant or warrants, under his or their hands and seals, for searching in the day time for gun powder in any building or place whatsoever, within the limits aforesaid, or any ship or vessel within forty eight hours after her arrival in the harbour, or at any time after any such ship or vessel shall and may have hawled alongside of any wharf pier or key within the limits aforesaid, and that upon any such search, it shall be lawfull for the searchers or persons finding the same, immidiatly to seize, and at any time within twelve hours after such seizure, to cause the same to be removed to the magazine at Fresh water, or to any other proper magazine, which now is or hereafter may be at any place north of Fresh water aforesaid, and the same being so removed, it shall be lawfull to detain and keep the same untill it shall be determined by the mayor, recorder or any two of the justices of the peace of the city and county aforesaid, whether the same shall be forfeited by virtue of this act, and the person or persons so detaining the same, shall not be subject or liable to any action or suit, for the detention thereof, provided always that nothing in the act con-

How gun-
powder to
be trans-
ported
through
streets of
city.

Warrant
to search
in day
time for
gun pow-
der unlaw-
fully
stored
may be
issued,
etc.

tained, shall be construed to authorize any person, having such warrant to take advantage of the same, for serving any civil process of any kind whatsoever.

And be further enacted by the authority aforesaid, That if any gun powder, exceeding the quantity which any person by this act may lawfully keep in his custody, shall be found during any fire, or alarm of fire, in the said city, by any of the firemen of the said city, it shall be lawful for him to seize the same, without warrant from a majestrate, and to hold and have the same to his own use, any thing in this act to the contrary notwithstanding. This act to be and continue in force from the passing thereof, untill the twenty-eight day of February in the year of our Lord one thousand, seven hundred and eighty six.

If found during any fire may be seized without warrant.

CHAP. 29.

AN ACT to lengthen the terms of the inferior courts of common pleas and general sessions of the peace, in the counties of Westchester, Queens and Richmond; and for other purposes therein mentioned.

PASSED the 13th of April, 1784.

WHEREAS the duration of the terms of the inferior courts of common pleas and general sessions of the peace, in the counties of Westchester, Queens and Richmond; which, in the county of Westchester, continue from the fourth Tuesday in May until the Friday following, and from the first Tuesday in November until the Friday following, in every year; in Queens county, from the third Tuesday in May until the Friday following, and from third Tuesday in September until the Friday following, in every year; and in Richmond county, from the first Tuesday in May until the Friday following, and from the last Tuesday in September until the Friday following, in every year, are found from experience, to be too short for the discharge of the necessary business in the said respective courts.

Preamble.

Be it therefore enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the terms of the inferior courts of common pleas and general sessions of the peace in the county of Westchester, shall hereafter commence on the fourth Monday in May and first Monday in November, in every year, and shall continue until the several Saturdays next following, inclusive; that the terms of the inferior courts of common pleas and general sessions of the peace in Queens county, shall commence on the third Mondays in May and September, in every year, and shall continue until the several Saturdays next following, inclusive; and that the inferior courts of common pleas and general sessions of the peace in the county of Richmond, shall commence on the first Monday in May and last Monday in September, in every year, and shall continue until the several Saturdays next following, inclusive. That all process issued out of the said respective courts, and made returnable on the usual return days, and all recognizances by which any person or persons shall be bound to appear on the said usual return days, shall be deemed good and valid on such days, although such days of return and appearance, are by this act, respectively altered.

Terms of the courts, when to commence and when to close.

Process issued returnable on usual return days valid.



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L A W S
OF THE
STATE OF NEW-YORK,
COMPRISING THE
CONSTITUTION,
AND THE
ACTS OF THE LEGISLATURE,
SINCE THE REVOLUTION, FROM THE
FIRST TO THE FIFTEENTH SESSION, INCLUSIVE.



IN TWO VOLUMES.

VOLUME II.

Quoniam Leges alia super alias accumulatae, eas de integro retractare, et in Corpus sanum et habile redigere, ex Usu sit.

BACON.

Miseri Servituti est ubi Jus est vagum aut incognitum.

4 Inst. 246.

NEW-YORK—PRINTED BY THOMAS GREENLEAF—M, DCC, XC, II.

GEORGE CLINTON, Esq. Governor. 191

Inhabitants at their town-meetings may direct monies to be raised for repairing engines. *it further enacted by the authority aforesaid,* That it shall and may be lawful for the freeholders and inhabitants of the said town of Brooklyn residing within the limits aforesaid, at any town-meeting, to direct such sum or sums of money as they shall deem necessary and proper for the purpose aforesaid, to be raised, levied and collected, at the same time, and in the same manner as the monies for the maintenance and support of the poor, within the same town are by law directed to be raised, levied and collected, and to be paid into the hands of the town-clerk of the same town, to be by him paid and applied for the purposes aforesaid, at such time and times, and in such manner as the major part of the firemen aforesaid, shall from time to time direct and appoint.

C H A P. LXXXI.

An ACT to prevent the storing of Gun-Powder, within certain Parts of the City of New-York.

Passed 15th March, 1788.

WHEREAS the practice of storing gun-powder within certain parts of the city of New-York, is dangerous to the safety of the said city; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it

No person to keep more than 28 pounds of powder in any one place within one mile of the city-hall, and that to be divided into four parcels. shall not be lawful for any person or persons, to have or keep any quantity of gun-powder exceeding twenty-eight pounds weight, in any one place, house, store or out-house, less than one mile to the northward of the city-hall of the said city, except in the public magazine at the fresh-water, which said quantity of twenty-eight pounds, shall be separated in four stone jugs or tin canisters, each of which shall not contain more than seven pounds; and if any person or persons shall keep any greater quantity than twenty-eight pounds, in any one place, house, store or out-house, or if the same gun-powder so permitted to be kept as aforesaid, shall not be separated in the manner herein above directed, he, she or they shall forfeit all such gun powder so kept, contrary to the true intent and meaning of this act, or so permitted to be kept, and which shall not be separated as aforesaid; and shall also forfeit the sum of fifty pounds for every hundred weight of powder, and in that proportion for a greater or less quantity, to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue for the same. Provided always, That all actions and suits to be commenced, sued or prosecuted, against any person or persons for any thing done contrary to this act, shall be commenced, sued or prosecuted within two calendar months next after the offence committed, and not at any time thereafter.

II. And to avoid dangers from gun-powder laden on board of any ship or other vessel, arriving from sea; *Be it further enacted by the authority aforesaid,* That the commander or owner or owners of every

Commanders of vessels to land and store gun-powder within 24 hours after their arrival. ship or other vessel arriving from sea, and having gun-powder on board, shall, within twenty-four hours after her arrival in the harbour, and before such ship or other vessel be hauled along side of any wharf, pier or key within the said city, land the said gun-powder, by means of a boat or boats, or other small craft at any place on the East-

192 LAWS OF NEW-YORK, Eleventh Session.

River, east of the wharf now building by Thomas Buchanan, or at any place on the North-River, to the northward of the air-furnace, which may be most contiguous to any of the magazines, and shall cause the same to be stored in one of the magazines now built, or hereafter to be built for that purpose, on pain of forfeiting all such gun-powder to any person or persons who will sue and prosecute for the same to effect, in manner aforesaid.

III. And to prevent any evil consequences which may arise from the carriage of gun-powder, *Be it further enacted by the authority aforesaid,* That

No gun-powder to be carried thro' the streets but in tight casks put in bags, on pain of forfeiting the same.

all gun-powder which shall be carried through the streets of the said city, by carts, carriages, or by hand, or otherwise, shall be in tight casks, well headed and hooped, and shall be put into bags or leather cases, and entirely covered there-

with, so that no powder may be spilled or scattered in the passage thereof, on pain of forfeiting all such gun-powder as shall be conveyed through any of the streets aforesaid, in any other manner than is hereby directed; and it shall and may be lawful for any person or persons, to seize the same to his or their own use and benefit, and to convey the same to one of the magazines aforesaid, and thereupon to prosecute the person or persons offending against this act before the mayor or recorder, and any two aldermen of the said city; and such gun-powder shall upon conviction be condemned to the use of the person or persons seizing the same.

IV. *And be it further enacted by the authority aforesaid,*

Mayor, recorder or any two aldermen, may, on suspicion of gun-powder being concealed, issue a warrant to search for and seize the same.

That it shall and may be lawful for the mayor or recorder, or any two aldermen of the said city, upon application made by any inhabitant or inhabitants of the said city, and upon his or their making oath of reasonable cause of suspicion (of the sufficiency of which the said mayor or recorder, or

aldermen, is and are to be the judge or judges) to issue his or their warrant or warrants, under his or their hand and seal, or hands and seals, for searching for such gun-powder, in the day time, in any building or place whatsoever, within the limits aforesaid, or in any ship or other vessel, within forty-eight hours after her arrival in the harbour, or at any time after such ship or other vessel shall and may have hauled along side any wharf, pier or key, within the limits aforesaid: And that upon any such search it shall be lawful for the persons finding any such gun-powder, immediately to seize, and at any time within twelve hours after such seizure, to convey the same to one of the magazines aforesaid; and the same gun-powder being so removed, to detain and keep, until it shall be determined by the mayor or recorder and any two aldermen of the said city, whether the same is forfeited by virtue of this act: And the person or persons so detaining the same, shall not be subject or liable to any action or suit for the detention thereof. Provided always, That nothing in this clause of this act contained, shall be construed to authorize any person having such warrant, to take advantage of the same, for serving any civil process of any kind whatsoever. Provided also, That nothing in this act contained shall extend to ships of war, or packets in the service of the United States or any of them, or of any foreign prince or state; nor to authorize the searching for gun-powder on board of any such ship or vessel while laying in the stream, and upwards of one hundred yards from the wharf or shore.

V. *And be it further enacted by the authority aforesaid,*

Gun-powder exceeding 28lb. found during a fire, may be seized without warrant.

That if any gun-powder, exceeding twenty-eight pounds, shall be found in the custody of any person, during any fire or alarm of fire, in the said city, by any fireman of the said



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cial Court, to parties and witnesses, as are allowed in the regular Courts of law ; and that the said two Justices, *quorum unus*, shall have the same fees, and be allowed the same sums for the trial aforesaid, as are allowed to Justices in the process of forcible entry and detainer.

[Approved March 8, 1821.]

CHAPTER XXV.

An Act for the prevention of damage by Fire, and the safe keeping of Gunpowder.

Selectmen to make regulations as to the keeping of gunpowder in certain towns.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Selectmen of each town within this State, containing not less than fifteen hundred inhabitants, be, and they hereby are, authorized and empowered to make rules and regulations, from time to time, in conformity with which, all gunpowder which is or may be within such town, shall be kept, had or possessed therein ; and no person or persons shall have, keep or possess within such town, any gunpowder, in any quantity, manner, form or mode, other than may be prescribed by the rules and regulations aforesaid.

Penalty for violating such regulations.

SEC. 2. *Be it further enacted,* That any person or persons who shall keep, have or possess any gunpowder, within any town, contrary to the rules and regulations which shall be established by the Selectmen of such town, according to the provisions of this Act, shall forfeit and pay a fine of not less than twenty dollars, and not exceeding one hundred dollars, for each and every offence, to be recovered by action of debt in any Court proper to try the same.

Mode of recovery.

Powder kept contrary to regulations may be seized and libelled.

SEC. 3. *Be it further enacted,* That all gunpowder which shall be had, kept or possessed, within any town, contrary to the rules and regulations which shall be established by the Selectmen of such town, according to the provisions of this Act, may be seized by any one or more of the Selectmen of such town, and shall within twenty days next after the seizure thereof, be libelled, by filing with any Justice of the Peace in such town, a libel, stating the time, place and cause of seizure, and the time and place when and where trial shall be had before said Justice, and a copy of said libel shall be served by the Sheriff, or his deputy, on the person or persons, in whose possession the said gunpowder shall have been seized by delivering a copy thereof to each such person, or leaving such copy at his or her usual place of abode, seven days at least, before the time which shall be specified in said libel, for the trial thereof, that such person may appear, and show cause why the gunpowder, so seized or taken, should not be adjudged forfeit ; and if any person shall appear to show cause why the same should not be adjudged forfeit, such ap-

Proceedings on such libel.

FIRE.—GUNPOWDER.

99

pearance shall be entered on record, by said Justice; and if the gunpowder, seized as aforesaid, shall be adjudged forfeit, the person or persons, whose appearance shall have been recorded as aforesaid, shall pay all costs of prosecution, and execution shall issue therefor: *Provided however*, That the person or persons, whose appearance shall have been recorded, may appeal from the judgment rendered by said Justice of the Peace, to the next Court of Common Pleas to be holden for the County where such town is situated: and the party so appealing, before such appeal shall be allowed, shall recognize, with sufficient surety or sureties to the libellant, to prosecute his said appeal and to pay all such costs as may arise after said appeal; and no further proceedings shall be had upon the judgment appealed from; and in case the party appealing shall neglect to enter his appeal, the Court appealed to, may, upon complaint, proceed to affirm the judgment of the Justice, with additional costs.

Appeal from
Justice's judgment,

after proceedings.

Sec. 4. *Be it further enacted*, That any person who shall suffer injury by the explosion of any gunpowder, had or possessed, or being within any town, contrary to the rules and regulations which shall be established in such town, according to the provisions of this Act, may have an action of the case in any Court proper to try the same, against the owner or owners of such gun powder, or against any other person or persons, who may have had the possession or custody of such gunpowder, at the time of the explosion thereof, to recover reasonable damages for the injury sustained.

Persons damaged by explosion of powder illegally kept, may obtain redress.

Sec. 5. *Be it further enacted*, That it shall, and may be lawful for any one or more of the Selectmen of any town to enter any building, or other place, in such town, to search for gunpowder, which they may have reason to suppose to be concealed or kept, contrary to the rules and regulations which shall be established in such town, according to the provisions of this Act, first having obtained a search warrant therefor according to law.

Selectmen may enter buildings to search for powder.

Sec. 6. *Be it further enacted*, That when any stove, chimney or stove pipe, within any town containing not less than fifteen hundred inhabitants, shall be defective, or out of repair, or so constructed or placed, that any building, or other property shall be in danger of fire therefrom, the Selectmen of said town shall give notice in writing, to the possessor or possessors of such stove, chimney or stove pipe, to remove or repair the same; and if such possessor shall for the term of six days after the giving of such notice, unnecessarily neglect to remove, or effectually repair such stove, chimney or stove pipe, such possessor shall, for each and every such neglect, forfeit and pay a fine of not less than ten dollars, nor more than fifty dollars, to be recovered by action of the case, in any Court proper to try the same.

Penalty for suffering stoves, chimnies or stove pipes to be defective, &c.

Action of case.

Sec. 7. *Be it further enacted*, That the fines, forfeitures

Appropriation of fines, &c.

and penalties, which shall arise under this Act, shall accrue, one moiety thereof to the use of the town within which the offence shall be committed, and the other moiety to the use of the person who shall prosecute or sue for the same.

Above regulations not to be in force till published by Selectmen, &c.

SEC. 8. *Be it further enacted,* That the rules and regulations, which shall be established in any town, according to the provisions of this Act, shall be of no force or effect, until such rules and regulations, together with this Act, shall have been published by the Selectmen of such town, three weeks successively, by printing in some newspaper printed within the County, or by posting up attested copies in three several public places in said town.

[Approved March 19, 1821.]



CHAPTER XXVI.

An Act to prevent damage from firing Crackers, Squibs, Serpents and Rockets, within this State.

Crackers, squibs, &c. not to be fired without license.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall offer for sale, set fire to, or throw any lighted cracker, squib, rocket or serpent within this State, without the license of the Selectmen of the several towns, respectively, first obtained therefor, he shall forfeit, for every such offence, the sum of five dollars; one moiety to the use of the poor of that town, in which the offence shall be committed, and the other moiety to the use of the prosecutor; to be recovered by action of debt, or by information before any Justice of the Peace of the County, in which the offence shall be committed, with the costs of suit.

Punishment.

[Approved February 20, 1821.]



CHAPTER XXVII.

An Act more effectually to secure Fire Engines from being injured.

Persons wantonly injuring fire engines,

punished on conviction in S. J. Court.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall wantonly or maliciously, spoil, break, injure, damage or render useless, any engine, or any of the apparatus thereto belonging, prepared by any town, society, person or persons, for the extinguishment of fire, and shall be convicted thereof, before the Supreme Judicial Court, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding two years, at the discretion of the Court; and be further ordered to recognize, with sufficient surety or sureties, for his good behaviour for such term as the Court shall order.

[Approved March 2, 1821.]

The Act of Incorporation, and the Ordinances and Regulations of the Town of Marietta, Washington County, Ohio Page 17-18, Image 17-18 (1837) available at The Making of Modern Law: Primary Sources. | Duke Center for Firearms Law

[Ordinances of Marietta, Ohio; An Ordinance For Preventing the Wanton Use of Fire Arms, Etc., § 1. Be it ordained by the Town of Marietta, in Town meeting legally assembled, and by the authority thereof it is ordained and enacted , That if any person, after this ordinance takes effect, shall discharge or explode, or aid or assist in discharging or exploding any gun powder, from guns, fire arms, or by any other means, within the limits of the town plot of Marietta, where by the quiet of any of the inhabitants may be disturbed, or their lives and safety endangered (unless such firing shall be authorized by permission in writing from the town council then in office, or by the command of some military officer in discharge of his duty as such,) the person so offending may be complained of before any justice of the peace for the town and upon conviction, shall be fined by such justice not than less one dollar (sic), nor more than five dollars for the first offence, and for the second and all subsequent offences against this ordinance, such person shall be fined not less than five, nor more than ten dollars, and pay all costs, to be collected as other penalties by law are. . .



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THE PUBLIC
STATUTE LAWS
OF THE
STATE OF CONNECTICUT,
PASSED AT THE
MAY AND DECEMBER SESSIONS, 1836,
AND THE
MAY SESSION OF THE GENERAL ASSEMBLY, 1837.
TOGETHER WITH THE
ERRATA FOR THE PUBLIC STATUTES, COMPILED IN ONE VOLUME IN 1835.
ALSO,
SOME PUBLIC ACTS,
THAT ARE NOT INCLUDED IN SAID VOLUME, (BUT ARE INCLUDED IN THE VOLUME
OF PRIVATE ACTS ATTACHED TO THE CHARTERS TO WHICH
THEY PARTICULARLY REFER.)

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY, (BY A SPECIAL RESOLUTION OF
SAID ASSEMBLY,) UNDER THE DIRECTION AND SUPERINTENDENCE
OF THE SECRETARY OF THE STATE.

HARTFORD: PRINTED BY JOHN L. BOSWELL.
1837.

ERRATA
IN COMPILED STATUTES OF 1835.

☞ Acts omitted and not included in the volume of public acts compiled in 1835—and which, with the *errata* to said compilation, were by a resolution passed by the General Assembly in 1836, directed to be published in this pamphlet, to wit:

TITLE XV.—CHAPTER I.

REVISED STATUTES 1821.

An Act incorporating the Cities of Hartford, New Haven,
New London, Norwich, and Middletown.

Limits of the
city of Hart-
ford.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That all the inhabitants, being electors of the state, dwelling in the town of Hartford, within the following limits, to wit: beginning at a place called the Dutch ground, upon the high land, on the bank of the great river, on the southerly side of said river, as it now runs in the lot belonging to Thomas Seymour, Esq. and from thence, a straight line to the north-west corner of Joshua Hempstead's dwelling-house; thence a westerly line to the north-west corner of James Steele's dwelling-house; from thence a north-westerly course to the south-west corner of James Shepard's malt house; from thence northerly, a straight line to the upper mills, so called, including said mills; thence northerly in a straight line to the northwest corner of Capt. John Olcott's dwelling-house, including said house; and from thence turning and running due east, a straight course to Connecticut river: be, and the same are hereby ordained, constituted, and declared to be, from time to time, and forever hereafter, one body politic and corporate, in fact and in name, by the name of "The Mayor,

Certificate to be given and recorded. either of the aldermen of the city, provided they have been first sworn according to this act. And the person administering the oath, prescribed by this act, shall give a certificate thereof, to the person to whom he administered it, which certificate shall be recorded in the records of such city, before the person to whom it is given, shall be capable of executing the office to which he is chosen.

Power to make by-laws. SECT. 20. There shall be a court of common council of each city, to be composed of the mayor, aldermen, and common council, who, by a major vote, shall have power to make by-laws, relative to markets and commerce, within the limits of said cities; relative to persons summoned to attend as jurors at city courts, and neglecting to attend, or refusing to serve; relative to the streets and highways of said cities; relative to nuisances; relative to the wharves, channels, anchoring and mooring of vessels; relative to trees, planted for shade, ornament, convenience, or use, public or private, and to the fruit of such trees; relative to trespasses committed in gardens; relative to the sweeping of chimnies; relative to the forms of oaths to be taken by the treasurers of said cities, and the inspectors of produce brought to said cities for sale or exportation; relative to the manner of warning meetings of said cities, and the courts of common council, and the times and places of holding them; relative to the qualifications, in point of property, of the mayor and aldermen; relative to the bonds to be given, by the sheriffs of said cities, for a faithful discharge of their duty; relative to the penalties to be incurred by those, who, being chosen to any city office, shall, (not being excused by the city,) refuse to serve; relative to a city watch; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, sheep, swine, and geese, from going at large within the limits of said cities; relative to the mode of taxation, as to taxes levied by said cities; relative to preserving said cities from exposure to fire; and to prevent the future erection of any building or buildings, in the most compact and populous parts of said cities, or the alteration, or appropriation of any buildings already erected, to be used for baker's shops, blacksmith's shops, hatter's shops, or tallow-chandler's shops, or any other buildings, for those or similar purposes, which in the opinion of the common council of said cities, respectively, shall more immediately expose said cities to injury, and destruction from fire. And the court of common council

of each city, shall have power to designate and assign the limits to their said cities, within which no person or persons shall be permitted in future to erect, use, or occupy any building or buildings of the kind, or for the use mentioned in this act, without license from the court of common council; and to make by-laws relative to licensing and regulating cartmen, or truckmen, butchers, petty grocers, or hucksters, and common victuallers, under such restrictions and limitations, as to them shall appear necessary; and relative to raising and collecting a revenue, by duties and indirect taxes, within said cities; relative to the assize of bread, crackers, and biscuits, and other manufactories of flour, made and sold within said cities; and for securing to the inhabitants of cities, and other persons, the exercise of their rights, in the use of the public squares, streets, and highways within said cities, free from obstruction and molestation; for designating the place or places for military parades in or near said cities; for laying out and regulating public squares and walks; for regulating military parades and rendezvous, within the limits of said cities; and the marching of military companies with music in the streets of said cities; for preventing and punishing trespasses on public buildings; for defining the powers and duties of the city watch, and carrying them into effect; and relative to preserving the health of the inhabitants of said cities; relative to prohibiting and regulating the bringing in, and conveying out, or storing of gun-powder in said cities; and to inflict penalties and forfeitures of goods and chattels, for the breach of such by-laws; which penalties and forfeitures, shall be to the use of said cities respectively, or to such person or persons, as the by-laws shall direct, to be recovered by the treasurers of said cities, for the use of the same, or by the persons to whom forfeited, in an action on such by-law, brought to the city court, in said city where the offence is committed; in which action no appeal shall be allowed. *Provided*, that no penalty shall exceed the sum of thirty-four dollars; and no forfeiture of goods and chattels, shall exceed the value of thirty-four dollars; *and provided*, that such penalties shall not exceed thirty-four dollars, for a quantity of gun-powder not exceeding twenty-five pounds, and for each and every further amount of twenty-five pounds, an additional penalty not exceeding fifteen dollars. And all penalties not exceeding seven dollars, may be sued for, before the mayor or aldermen of the city, in which the offence is committed; and the defendant shall have

To inflict penalties.

How recoverable.

Limitation of penalties and forfeitures.

liberty to appeal, when judgment is rendered against him, to the next city court, to be holden in and for said city, in the same manner as in other cases. *Provided*, that no by-laws shall be made repugnant to the laws of the state; and that all by-laws made by the court of common council, shall be approved by the cities, in legal meeting assembled, and shall be published at least three weeks successively, in some newspaper in, or nearest the cities where made, before the same shall be of any validity. And all the by-laws of said cities, shall, at any time, within six months after they are made, be liable to be repealed by the superior court, or supreme court of errors, in the county to which the city belongs, if, on hearing, they shall be judged to be unreasonable or unjust.

By-laws to be published.

May be repealed.

Mayor, &c. to lay out, alter, and exchange highways.

SECT. 21. The mayor, aldermen, and common council of each city, shall have power to lay out new highways, streets, and public walks for the use of the cities, or to alter those already laid out, and exchange highways for highways, or to sell highways for the purpose of purchasing other highways, taking the same measures, in all respects, as are directed by law, in case of highways to be laid out by the selectmen, for the use of their towns; and the party aggrieved, by the laying out of such streets or highways, may have the same remedy, by application to the county courts, as is by law provided, in case of highways laid out by selectmen.

Inspectors of produce.

SECT. 22. Each city shall have power to appoint inspectors of every kind of produce, of the United States, brought to such city for sale and exportation.

Grants and leases.

SECT. 23. All grants and leases of any real estate belonging to either of said cities, signed by the mayor, and sealed with the city seal, and approved by the city, in a legal meeting, and recorded in the town where the lands granted or leased lie, shall be effectual to convey such estate.

Vacancies in office, how supplied.

SECT. 24. Whenever the mayor of either of said cities, or any other officer eligible by the freemen, shall resign, or be removed, by death or otherwise, another shall be elected in his place, and (if the appointment be annual) shall continue in office for the same time as the person whom he succeeds would have done, had he not resigned, or been removed.

Mayor, &c. to be moderator of meetings; which may adjourn.

SECT. 25. The mayor of each city, or in his absence, the senior alderman present, at any meeting of the city, or any court of common council, shall, *ex officio*, be moderator thereof. A meeting of the city may be adjourned,

LAWS AND ORDINANCES

GOVERNING THE

CITY OF CHICAGO,

JANUARY 1, 1866,

WITH AN

APPENDIX,

CONTAINING THE

FORMER LEGISLATION

RELATING TO THE CITY,

AND NOTES OF

DECISIONS OF THE SUPREME COURT OF ILLINOIS,

RELATING TO CORPORATIONS.

PRINTED AND PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL OF THE CITY.

COMPILED AND ARRANGED BY

JOSEPH E. GARY,

ONE OF THE JUDGES OF THE SUPERIOR COURT OF CHICAGO.

E. B. MYERS AND CHANDLER,
LAW BOOKSELLERS AND PUBLISHERS,
No. 111 Lake Street.
1866.

CHAPTER XI.

GUNPOWDER AND GUN-COTTON.

SECTION

1. Dealers in gunpowder and gun-cotton to have permits; proviso.
2. Application for permit; register; quantity and how kept; sale at night; sign; penalty.
3. Carrying through streets; penalty.
4. Vessels laden with, not to land or discharge within certain limits; penalty.

SECTION

5. Mayor may cause removal of vessel; penalty.
6. When permits expire; persons to whom not granted; charge for.
7. Officers to report violations.
8. Appropriation of penalties.

SECTION 1. No person shall keep, sell or give away gunpowder or gun-cotton, in any quantity, without permission in writing, signed by the mayor and clerk, and sealed with the corporate seal, under a penalty of twenty-five dollars for every offense: *Provided*, Any person may keep for his own use not exceeding one pound of gunpowder or gun-cotton at one and the same time.

Permit required.

Proviso.

SEC. 2. All applications for permits shall be made to the mayor. Not exceeding four permits shall be granted in any block. When the number of applications in any block shall at any time exceed the number to be granted, the requisite number shall be chosen by ballot by the common council. When issued, the clerk shall make an entry thereof in a register to be provided for the purpose, which entry shall state the name and place of business, and date of permit. Persons to whom permits may be issued shall not have or keep at their place of business, or elsewhere within the city, a greater quantity of gunpowder or gun-cotton than fifty pounds at one time, and the same shall be kept in tin canisters or cases containing not to exceed thirteen pounds each, and in a situation remote from fires or lighted lamps, candles or gas, from which they may be easily removed in case of fire. Nor shall any person sell or weigh any gunpowder or gun-cotton after the lighting of lamps in the evening, unless in sealed canisters or cases. It shall be the duty of every person to whom a permit shall be given, to keep a sign at the front door of his place of business, with the words "gunpowder" painted or printed thereon in large letters. A violation of any clause of this

Application for permit.

Register.

Quantity.

How kept.

Sale at night.

Sign.

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THE
CHARTER AND ORDINANCES
OF THE
CITY OF SAINT PAUL,
Ordinances.
(TO AUGUST 1st, 1863, INCLUSIVE,)

TOGETHER WITH
LEGISLATIVE ACTS
RELATING TO THE CITY.

COMPILED BY ORDER OF THE COMMON COUNCIL.

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1863.

GUNPOWDER.

which he has the control, shall be punished by a fine not exceeding one hundred, nor less than twenty-five dollars.

SEC. 5. This ordinance shall take effect from and after its publication.

Approved, June twenty-nine, [eighteen hundred and fifty-eight.

Published, July 12, 1858.

GUNPOWDER.

CHAPTER XXI.

SECTION.

- 1. Gunpowder, &c., not to be disposed of without permission. Proviso.
- 2. Permit, how obtained. Regulations of sale of gunpowder, &c. Penalty.
- 3. Regulations of carriage of gunpowder, &c. Penalty.
- 4. Expiration of permit.

AN ORDINANCE TO REGULATE THE SALE OF GUNPOWDER.

The Common Council of the City of Saint Paul do ordain as follows :

Gunpowder not to be disposed of without permit.

SEC. 1. That section one (1) of an ordinance to regulate the sale of gunpowder, be and the same is hereby amended so as to read as follows : " SEC. 1. No person shall keep, sell, or give away gunpowder or guncotton in any quantity without first having paid into the City Treasurer the sum of five dollars, and obtain from the Common Council a permission in writing, signed by the Mayor and Clerk, and sealed with the corporate seal, under a penalty not exceeding fifty dollars, for every offence, provided any person may keep for his own use not exceeding one pound of powder or one pound of gun cotton, at one and the same time."

Permit how obtained.

SEC. 2. All applications for permits shall be addressed to the Common Council, in writing, signed by the applicant. Not exceeding four permits shall be granted in any one block ; when the number of applications in any block shall

GUNPOWDER.

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at any time exceed the numbers to be granted, the requisite number shall be chosen by ballot. When issued, the Clerk shall make an entry thereof in a register to be provided for the purpose, which entry shall state the name and place of business, and date of permits. Persons to whom permits may be issued, shall not have or keep at their place of business, or elsewhere within the city, a greater quantity of gunpowder or guncotton than fifty pounds at one time, and the same shall be kept in tin canisters or cans, or kegs securely hooped and headed, containing not to exceed twenty-five pounds each, and in a situation remote from fires or lighted lamps, candles or gas, from which they may be easily removed in case of fire. Nor shall any person sell or weigh any gunpowder or guncotton, after the lighting of lamps in the evening, unless in sealed canisters or cans. It shall be the duty of every person to whom a permit shall be given, to keep a sign at the front door of his place of business, with the word "gunpowder" painted or printed thereon in large letters. Any person violating any clause of this section, shall, upon conviction thereof, be punished by a fine of not less than ten, nor more than one hundred dollars.

Regulations for sale of gunpowder, &c

Penalty.

SEC. 3. No person shall convey or carry any gunpowder or guncotton, exceeding (one pound in quantity,) through any street or alley in the city, in any cart, carriage, wagon, dray, wheelbarrow, or otherwise, unless the said gunpowder or guncotton be secured in tight cans or kegs, well headed and hooped, sufficient to prevent such gunpowder or guncotton from being spilled or scattered, under a penalty of fifty dollars.

Carriage of gunpowder, &c.

Penalty.

SEC. 4. All permissions granted under this ordinance shall expire on the second Tuesday of May in each year; and no permit shall be granted to any retailer of intoxicating liquors, or to any intemperate person. The Clerk shall be entitled to a fee of one dollar for every permit which may be issued.

Expiration of permit.

SEC. 5. This ordinance shall take effect from and after its publication.

Approved, June twenty-ninth, eighteen hundred and fifty-eight.

Published, July 16, 1858.



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L A W S

OF

WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY

IN THE YEAR 1881.

Published by Authority.

OLYMPIA:

C. B. BAGLEY, PUBLIC PRINTER

1881.

LOCAL AND PRIVATE LAWS. 73

council, and determine the order of business subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting or until the mayor attends.

SEC. 31. On the tenth day next following the annual municipal election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 32. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof, within the meaning of this act. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

SEC. 33. The style of every ordinance shall be, "The common council of New Tacoma does ordain as follows."

CHAPTER VI.

POWERS OF THE CORPORATION.

SEC. 34. The city government of New Tacoma, within its incorporated limits, has power and authority:

1. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum, upon all property, both real and personal, within the city, which is by law taxable for Territorial and county purposes;

2. To make regulations for prevention of accidents by fire, to organize and establish a fire department; ordain rules for government of the same; to provide fire engines, and other apparatus, and a sufficient supply of water;

3. To purchase or condemn and enter upon and take any lands within or without the corporate limits, for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work-houses, or houses of correction, or any other proper and legitimate municipal purpose, and to enclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this subdivision, and of all streets, highways, squares and other public grounds within its limits, established

be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all such callings, trades and employments as the public good may require to be licensed and regulated, as are not prohibited by law;

14. To establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests with or without warrants within the limits of the city; to summon aid and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders;

15. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein; to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire-arms, fire-crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; to compel all persons erecting or maintaining privies or cesspools within one hundred feet of any street in which a sewer has been or may hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of gas lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other



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To prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes., Public Law 65-68 / Chapter 83, 65 Congress. 40 Stat. 385 (1917).

ALWD 7th ed.

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APA 7th ed.

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Chicago 17th ed.

"Public Law 65-68 / Chapter 83, 65 Congress, Session 2, An Act: To prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes.," U.S. Statutes at Large 40, no. Main Section (1917): 385-389

McGill Guide 9th ed.

To prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes., Public Law 65-68 / Chapter 83, 65 Congress. 40 Stat. 385 (1917).

AGLC 4th ed.

To prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes., Public Law 65-68 / Chapter 83, 65 Congress. 40 Stat. 385 (1917)

MLA 9th ed.

To prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes., Public Law 65-68 / Chapter 83, 65 Congress. 40 Stat. 385 (1917). HeinOnline.

OSCOLA 4th ed.

To prohibit the manufacture, distribution, storage, use, and possession in time of

THE
STATUTES AT LARGE

OF THE
UNITED STATES OF AMERICA

FROM
APRIL, 1917, TO MARCH, 1919

CONCURRENT RESOLUTIONS OF THE TWO HOUSES OF CONGRESS
AND
RECENT TREATIES, CONVENTIONS, AND EXECUTIVE
PROCLAMATIONS
AMENDMENT TO THE CONSTITUTION

EDITED, PRINTED, AND PUBLISHED BY AUTHORITY OF CONGRESS
UNDER THE DIRECTION OF THE SECRETARY OF STATE

VOL. XL

IN TWO PARTS

PART 1—Public Acts and Resolutions
**PART 2—Private Acts and Resolutions, Concurrent Resolutions,
Treaties, Proclamations, and Amendment to the
Constitution**

PART 1

WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

the Act of March second, nineteen hundred and one, be, and the same is hereby, amended as follows:

“The Secretary of War is hereby authorized to permit, under such regulations as he may prescribe, any officer or enlisted man on the active list of the Army, any retired officer or enlisted man of the Army on active duty, and any permanent civilian employee under the jurisdiction of the War Department on duty outside of the continental limits of the United States, to make allotments of his pay for the support of his wife, children, or dependent relatives, or for such other purposes as the Secretary of War may deem proper. All allotments of pay of officers, enlisted men, and civilian employees that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments; and, if erroneous payment is made because of the failure of an officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Quartermaster General from the officer who fails to make such report, if such collection is practicable. Nothing herein shall be construed to invalidate allotments now in force.”

Allotment of pay. Extended to officers and enlisted men on active duty and civilians in military service abroad.

Credit allowed for payments to designated allottees prior to notice of discontinuance.

Collection of erroneous payments.

Existing allotments valid.

Approved, October 6, 1917.

CHAP. 82.—An Act To authorize the construction, maintenance, and operation of a bridge across Little River, in Poinsett County, Arkansas, at or near the section line between sections thirty-five and thirty-six, township eleven north, range six east.

October 6, 1917.
[S. 2938.]

[Public, No. 67.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Poinsett County, Arkansas, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across Little River, a tributary to Saint Francis River, at a point suitable to the interests of navigation, at or near the section line between sections thirty-five and thirty-six, township eleven north, range six east, fifth principal meridian, in Poinsett County, in the State of Arkansas, in accordance with the provisions of the Act entitled “An Act to regulate the construction of bridges over navigable waters,” approved March twenty-third, nineteen hundred and six.

Little River, Poinsett County, Ark., may bridge.

Location.

Construction. Vol. 34, p. 84.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, October 6, 1917.

CHAP. 83.—An Act To prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes.

October 6, 1917.
[H. R. 3932.]

[Public, No. 68.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the United States is at war it shall be unlawful to manufacture, distribute, store, use, or possess powder, explosives, blasting supplies, or ingredients thereof, in such manner as to be detrimental to the public safety, except as in this Act provided.

Explosives. Manufacture, etc., restricted in time of war. Post, p. 1711.

SEC. 2. That the words “explosive” and “explosives” when used herein shall mean gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses, detonators, and other detonating agents, smokeless powders, and any chemical compound or me-

“Explosive” and “explosives.” Articles included as.

chanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of, or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb, but shall not include small arms or shotgun cartridges: *Provided*, That nothing herein contained shall be construed to prevent the manufacture, under the authority of the Government, of explosives for, their sale to or their possession by, the military or naval service of the United States of America.

Proviso.
Manufacture for Government use, etc., not affected.

"Ingredients."
Materials included as.

"Person."
Extension of term.

Unauthorized possession, etc., forbidden.

Provisos.
Ingredients in small quantities, etc., allowed.

Licensed use at mines, quarries, etc., for workmen allowed.

Restrictions.

Interstate transportation not affected.

Manufacture without license forbidden.

Licenses.
Information required from applicants and licensees.

Secret processes excepted.

Itemized records to be kept by licensees.

SEC. 3. That the word "ingredients" when used herein shall mean the materials and substances capable by combination of producing one or more of the explosives mentioned in section one hereof.

SEC. 4. That the word "person," when used herein, shall include States, Territories, the District of Columbia, Alaska, and other dependencies of the United States, and municipal subdivisions thereof, individual citizens, firms, associations, societies and corporations of the United States and of other countries at peace with the United States.

SEC. 5. That from and after forty days after the passage and approval of this Act no person shall have in his possession or purchase, accept, receive, sell, give, barter or otherwise dispose of or procure explosives, or ingredients, except as provided in this Act: *Provided*, That the purchase or possession of said ingredients when purchased or held in small quantities and not used or intended to be used in the manufacture of explosives are not subject to the provisions of this Act: *Provided further*, That the superintendent, foreman, or other duly authorized employee, at a mine, quarry, or other work, may, when licensed so to do, sell or issue, to any workman under him, such an amount of explosives, or ingredients, as may be required by that workman in the performance of his duties, and the workman may purchase or accept the explosives, or ingredients, so sold or issued, but the person so selling or issuing same shall see that any unused explosives, or ingredients, are returned, and that no explosives, or ingredients, are taken by the workman to any point not necessary to the carrying on of his duties.

SEC. 6. That nothing contained herein shall apply to explosives or ingredients while being transported upon vessels or railroad cars in conformity with statutory law or Interstate Commerce Commission rules.

SEC. 7. That from and after forty days after the passage of this Act no person shall manufacture explosives unless licensed so to do, as hereinafter provided.

SEC. 8. That any licensee or applicant for license hereunder shall furnish such information regarding himself and his business, so far as such business relates to or is connected with explosives or ingredients at such time and in such manner as the Director of the Bureau of Mines, or his authorized representative, may request, excepting that those who have been or are at the time of the passage of this Act regularly engaged in the manufacture of explosives shall not be compelled to disclose secret processes, costs, or other data unrelated to the distribution of explosives.

SEC. 9. That from and after forty days after the passage and approval of this Act every person authorized to sell, issue, or dispose of explosives shall keep a complete itemized and accurate record, showing each person to whom explosives are sold, given, bartered, or to whom or how otherwise disposed of, and the quantity and kind of explosives, and the date of each such sale, gift, barter, or other disposition; and this record shall be sworn to and furnished to the

Director of the Bureau of Mines, or his authorized representatives, whenever requested.

SEC. 10. That the Director of the Bureau of Mines is hereby authorized to issue licenses as follows:

(a) Manufacturer's license, authorizing the manufacture, possession, and sale of explosives and ingredients.

(b) Vendor's license, authorizing the purchase, possession, and sale of explosives or ingredients.

(c) Purchaser's license, authorizing the purchase and possession of explosives and ingredients.

(d) Foreman's license, authorizing the purchase and possession of explosives and ingredients, and the sale and issuance of explosives and ingredients to workmen under the proviso to section five above.

(e) Exporter's license, authorizing the licensee to export explosives, but no such license shall authorize exportation in violation of any proclamation of the President issued under any Act of Congress.

(f) Importer's license, authorizing the licensee to import explosives.

(g) Analyst's, educator's, inventor's, and investigator's licenses authorizing the purchase, manufacture, possession, testing, and disposal of explosives and ingredients.

SEC. 11. That the Director of the Bureau of Mines shall issue licenses, upon application duly made, but only to citizens of the United States of America, and to the subjects or citizens of nations that are at peace with them, and to corporations, firms, and associations thereof, and he may, in his discretion, refuse to issue a license, when he has reason to believe, from facts of which he has knowledge or reliable information, that the applicant is disloyal or hostile to the United States of America, or that, if the applicant is a firm, association, society, or corporation, its controlling stockholders or members are disloyal or hostile to the United States of America. The director may, when he has reason to believe on like grounds that any licensee is so disloyal or hostile, revoke any license issued to him. Any applicant to whom a license is refused or any licensee whose license is revoked by the said director may, at any time within thirty days after notification of the rejection of his application or revocation of his license, apply for such license or the cancellation of such revocation to the Council of National Defense, which shall make its order upon the director either to grant or to withhold the license.

SEC. 12. That any person desiring to manufacture, sell, export, import, store, or purchase explosives or ingredients, or to keep explosives or ingredients in his possession, shall make application for a license, which application shall state, under oath, the name of the applicant; the place of birth; whether native born or naturalized citizen of the United States of America; if a naturalized citizen, the date and place of naturalization; business in which engaged; the amount and kind of explosives or ingredients which during the past six months have been purchased, disposed of, or used by him; the amount and kind of explosives or ingredients now on hand; whether sales, if any, have been made to jobbers, wholesalers, retailers, or consumers; the kind of license to be issued, and the kind and amount of explosives or ingredients to be authorized by the license; and such further information as the Director of the Bureau of Mines may, by rule, from time to time require.

Applications for vendor's, purchaser's, or foreman's licenses shall be made to such officers of the State, Territory, or dependency having jurisdiction in the district within which the explosives or ingredients are to be sold or used, and having the power to administer oaths as may be designated by the Director of the Bureau of Mines, who shall issue the same in the name of such director. Such officers shall be entitled to receive from the applicant a fee of 25 cents for

Classes of licenses.

Manufacturer's.

Vendor's.

Purchaser's.

Foreman's.

Exporter's.

Importer's.

Technical, etc.

Issue by Director of Mines Bureau.
Restriction.

Discretionary refusal.

Revocation.

Appeals to Council of National Defense on refusal, etc.

Applications.
Sworn statement required in.

Officers authorized to administer oaths.

Fees, records, etc.

Removal of licensing officers, etc.	each license issued. They shall keep an accurate record of all licenses issued in manner and form to be prescribed by the Director of the Bureau of Mines, to whom they shall make reports from time to time as may be by rule issued by the director required. The necessary blanks and blank records shall be furnished to such officers by the said director. Licensing officers shall be subject to removal for cause by the Director of the Bureau of Mines, and all licenses issued by them shall be subject to revocation by the director as provided in section eleven.
<i>A nte</i> , p. 387.	
Explosives inspectors. Appointment authorized.	SEC. 13. That the President, by and with the advice and consent of the Senate, may appoint in each State and in Alaska an explosives inspector, whose duty it shall be, under the direction of the Director of the Bureau of Mines, to see that this Act is faithfully executed and observed. Each such inspector shall receive a salary of \$2,400 per annum. He may at any time be detailed for service by said director in the District of Columbia or in any State, Territory, or dependency of the United States. All additional employees required in carrying out the provisions of this Act shall be appointed by the Director of the Bureau of Mines, subject to the approval of the Secretary of the Interior.
Pay, details, etc.	
Administrative employees.	
Specified unlawful acts connected with licenses.	SEC. 14. That it shall be unlawful for any person to represent himself as having a license issued under this Act, when he has not such a license, or as having a license different in form or in conditions from the one which he in fact has, or without proper authority make, cause to be made, issue or exhibit anything purporting or pretending to be such license, or intended to mislead any person into believing it is such a license, or to refuse to exhibit his license to any peace officer, Federal or State, or representative of the Bureau of Mines.
Unauthorized divulging of information forbidden.	SEC. 15. That no inspector or other employee of the Bureau of Mines shall divulge any information obtained in the course of his duties under this Act regarding the business of any licensee, or applicant for license, without authority from the applicant for license or from the Director of the Bureau of Mines.
Distinctive marking of premises.	SEC. 16. That every person authorized under this Act to manufacture or store explosives or ingredients shall clearly mark and define the premises on which his plant or magazine may be and shall conspicuously display thereon the words "Explosives—Keep Off."
Unauthorized presence at premises, etc., forbidden.	SEC. 17. That no person, without the consent of the owner or his authorized agents, except peace officers, the Director of the Bureau of Mines and persons designated by him in writing, shall be in or upon any plant or premises on which explosives are manufactured or stored, or be in or upon any magazine premises on which explosives are stored; nor shall any person discharge any firearms or throw or place any explosives or inflammable bombs at, on, or against any such plant or magazine premises, or cause the same to be done.
Discharging firearms, etc.	
Effective rules, etc., to be made.	SEC. 18. That the Director of the Bureau of Mines is hereby authorized to make rules and regulations for carrying into effect this Act, subject to the approval of the Secretary of the Interior.
Punishment for violations.	SEC. 19. That any person violating any of the provisions of this Act, or any rules or regulations made thereunder, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment not more than one year, or by both such fine and imprisonment.
Investigations to be made of all explosions and fires.	SEC. 20. That the Director of the Bureau of Mines is hereby authorized to investigate all explosions and fires which may occur in mines, quarries, factories, warehouses, magazines, houses, cars, boats, conveyances, and all places in which explosives or the ingredients thereof are manufactured, transported, stored, or used, and shall, in his discretion, report his findings, in such manner as he may deem fit, to the proper Federal or State authorities, to the end that if such explosion has been brought about by a willful act the
Localities, etc., specified.	
Report of findings, etc.	

person or persons causing such act may be proceeded against and brought to justice; or, if said explosion has been brought about by accidental means, that precautions may be taken to prevent similar accidents from occurring. In the prosecution of such investigations the employees of the Bureau of Mines are hereby granted the authority to enter the premises where such explosion or fire has occurred, to examine plans, books, and papers, to administer oaths to, and to examine all witnesses and persons concerned, without let or hindrance on the part of the owner, lessee, operator, or agent thereof.

Authority conferred on employees.

SEC. 21. That the Director of the Bureau of Mines, with the approval of the President, is hereby authorized to utilize such agents, agencies, and all officers of the United States and of the several States, Territories, dependencies, and municipalities thereof, and the District of Columbia, in the execution of this Act, and all agents, agencies, and all officers of the United States and of the several States and Territories, dependencies, and municipalities thereof, and the District of Columbia, shall hereby have full authority for all acts done by them in the execution of this Act when acting by the direction of the Bureau of Mines.

Utilization of Federal, State, etc., agencies.

Authority conferred for official acts.

SEC. 22. That for the enforcement of the provisions of this Act, including personal services in the District of Columbia and elsewhere, and including supplies, equipment, expenses of traveling and subsistence, and for the purchase and hire of animal-drawn or motor-propelled passenger-carrying vehicles, and upkeep of same, and for every other expense incident to the enforcement of the provisions of this Act, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary: *Provided*, That not to exceed \$10,000 shall be expended in the purchase of motor-propelled passenger-carrying vehicles.

Appropriation for all expenses.

Proviso. Amount for motor vehicles.

Approved, October 6, 1917.

CHAP. 84.—An Act Extending the time for the construction of a bridge across Flint River, in the State of Georgia.

October 6, 1917.
[H. R. 4232.]

[Public, No. 69.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved April seventeenth, nineteen hundred and sixteen, to be built across the Flint River, Georgia, by Mitchell County, or by Baker County, Georgia, jointly or separately, are hereby extended one and three years, respectively, from the date hereof.

Flint River. Time extended for bridging, by Mitchell County or Baker County, Ga. Vol. 39, p. 52, amended.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, October 6, 1917.

CHAP. 85.—An Act To provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service.

October 6, 1917.
[H. R. 5647.]

[Public, No. 70.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paymaster General of the Navy be, and he is hereby, authorized and directed to reimburse such officers, enlisted men, and others in the naval service of the United States as may have suffered, or may hereafter suffer, loss or destruction of or damage to their personal property and effects in the naval service due to the operations of war or by shipwreck or other marine disaster when such loss, destruction, or damage was without

Navy. Reimbursement for losses of personal property. Applications.