

THE  
NEW YORK CITY *Charters.*  
CONSOLIDATION ACT,

AS IN FORCE IN

1891,

WITH NOTES INDICATING THE STATUTORY SOURCES, REFERENCES TO JUDICIAL DECISIONS, AND ALL LAWS RELATING TO NEW YORK CITY, PASSED SINCE JANUARY 1, 1882,

TOGETHER WITH AN APPENDIX OF

THE ROYAL ENGLISH COLONIAL CHARTERS  
OF NEW YORK CITY.

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ALBANY, N. Y.:  
WEED, PARSONS AND COMPANY.

1891.

of the means provided for its extinguishment, and shall have the control and direction of the employees of the place to which they may be detailed for the purpose of extinguishing any fire which may occur therein.

L. 1871, ch. 742, § 5 (Comp. 395).

**Gunpowder, and other explosives. Sale thereof regulated.**

§ 455. No person shall manufacture, have, keep, sell, or give away any gunpowder, blasting powder, gun-cotton, nitro-glycerine, dualin, or any explosive oils or compounds, within the corporate limits of the city of New York, except in the quantities limited, in the manner, and upon the conditions herein provided, and under such regulations as the board of fire commissioners shall prescribe; and said board shall make suitable provision for the storage and safe-keeping of gunpowder and other dangerous and explosive compounds or articles enumerated under this title, beyond the interior line of low water-mark in the city and county of New York. The said board may issue licenses to persons desiring to sell gunpowder or any of the articles mentioned under this section at retail, at a particular place in said city to be named in said license (provided that the same shall not be in a building used in any part thereof as a dwelling, unless specially authorized by said license), and persons so licensed may have on their premises, if actually kept for sale, a quantity not exceeding at any one time, of nitro-glycerine, five pounds; of gun-cotton, five pounds; of gunpowder, fourteen pounds; blasting powder, twenty-five pounds; and all of said articles shall be put up in tight metallic canisters, containing, or capable of containing, not more than one pound each; and the persons so licensed shall place on some conspicuous part of the front of each of the stores or buildings in which they may be licensed to sell powder, or any of the articles named under this section, a sign, on which shall be distinctly printed, in characters legible to persons passing such stores or buildings, the words "licensed to sell gunpowder," or designating such other of the articles herein named as is there offered for sale; and every barrel, cask, canister, bottle, can, vessel, box or parcel, in which the same is sold, or into which the same is delivered on being sold, shall be distinctly labeled with a printed sign or label, printed upon or firmly affixed thereto, describing the article contained therein, with the word "danger" distinctly painted below the same. No nitro-glycerine, dualin, or gunpowder shall be manufactured in said city, and no quantities of nitro-glycerine, dualin, or gunpowder greater than above provided shall be kept, carried, or conveyed within said city; except that for the purposes of distribution to or delivery from stores and buildings in said city, a quantity not more than five quarter casks may be carried at any one time, during the day-time, for the purpose of transportation from any vessel, or sending the same to said stores or buildings, or any vessel or place without said city; provided, that in the carrying or conveying the same it shall be protected by being completely and securely covered with a leather or canvas cover or case, and marked "gunpowder." The commander, owner or owners of any ship or other vessel arriving in the harbor of New York, and having more than twenty-eight pounds of gunpowder, dualin, or nitro-glycerine on board, shall, within forty-eight hours after the arrival, and before such ship or vessel shall approach nearer than three hundred yards of any wharf, pier, or slip, to **the southward of a line drawn through the center of Seventy-third**

street, immediately give written notice to the said board of the fact that such powder or nitro-glycerine is on such vessel; but it shall be lawful either to proceed with such ship or vessel to sea, within forty-eight hours after her arrival, or to tranship such gunpowder, dualin, or nitro-glycerine from one ship or vessel to another, for the purpose of immediate transportation, without landing the same; provided, however, that the provisions of this section shall not apply to any vessel receiving gunpowder on freight on any one day, provided such vessel do not remain at any wharf of the said city, or be within three hundred yards thereof after sunset. All gunpowder, gun-cotton, blasting powder, dualin, nitro-glycerine, or other explosive compound, found in violation of this section, shall be forthwith seized and safely stored, and be sold, upon three days' notice to the owner or claimant; and the proceeds of such sale, after deducting all expenses, shall be forfeited and paid over to and for the use and benefit of the relief fund of the fire department in the city of New York. Nothing contained in this section shall be construed to apply to any ship or vessel of war in the service of the United States or of any foreign government, while lying distant three hundred yards or upwards from the wharves, piers, or slips of the said city.

L. 1871, ch. 742, § 2 (Comp. 391).

*a* The statutes concerning possession of a nuisance. Foote v. Fire Dept., 5 and transportation of gunpowder in the Hill, 99. See Cathcart v. Fire Dept., city are police regulations in prevention 26 N. Y. 529.

### **Fireworks and explosive compounds; manufacture and sale thereof.**

§ 456. No fireworks, detonating works, cartridges, powder train, percussion caps, collodion, nitrate of soda, nitrate of silver, ether, phosphorus, matches, or explosive compounds shall hereafter be manufactured, stored, or kept upon sale in the city, except at such places, in such manner, and in such quantities as shall be determined by the said board in the exercise of their discretion, under a permit by them granted therefor, and subject to be revoked at any time by said board. Fireworks, consisting of Chinese crackers, rockets, blue-lights, candles, colored pots, lance-wheels, and other works of brilliant-colored fires, may be kept upon sale intervening the tenth day of June and the tenth day of July, in each year, by retail dealers, under such reasonable regulations as said board may prescribe, under a permit issued therefor; and no quantity of the following-named chemicals, acids, and combustible materials, greater than as hereinafter enumerated, shall be stored or kept in or upon any one building within the city, namely: sulphur, one thousand pounds; manufactured matches, five hundred pounds; saltpetre, nitrate of soda, five hundred pounds in the whole; nitrate of silver, collodion, ether, phosphorus, fifty pounds in the whole; cartridges, percussion caps, powder train, one hundred pounds in the whole; aqua fortis, muriatic acid, nitric acid, and sulphuric acid, not exceeding one thousand pounds in the whole; tar, pitch, rosin, turpentine, one hundred barrels in the whole, except the same shall be stored and kept in such building and manner as said commissioners may require, under a special permit by them issued therefor.

L. 1871, ch. 742, § 3 (Comp. 392).

*b* The board have power upon issuing the permit mentioned in this section to require the payment as a license fee of a reasonable sum for defraying the ex-