

UNITED STATES OF AMERICA

UNITED STATES COAST GUARD

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In the matter of the destruction of the Steam Lighter  
KENNETH HEALING and others at  
South Amboy, N. J. on May 19  
1950.

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AFFIDAVIT

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JOHN P. MCGUIRE  
COUNSELLOR AT LAW  
175 SMITH STREET  
PERTH AMBOY, N. J.

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destruction of the  
Steam Lighter KENNETH HEALING  
and others, at South Amboy, N.J.  
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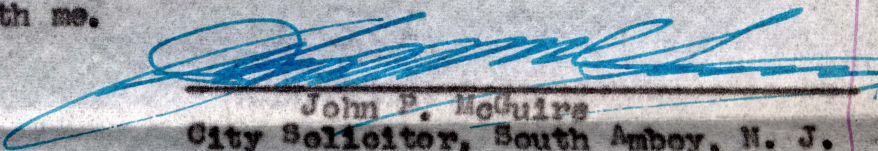
STATE OF NEW JERSEY )  
COUNTY OF MIDDLESEX ) <sup>SS</sup>

John P. McGuire, of full age being duly sworn on his  
oath according to law says:

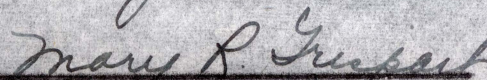
- (1) He is the City Solicitor of the City of South Amboy.
- (2) The City of South Amboy, being a city of less than  
12,000 inhabitants, is covered by Chapter 30 of the New  
Jersey laws of 1897, the supplements thereto and the amend-  
ments thereof.
- (3) Section 32 of the aforementioned Charter Act provides  
that the City Clerk shall keep all the ordinances of the city  
in a book for that purpose, with a proper index.
- (4) The only ordinance in the city records, according  
to the City Clerk, concerning explosives is entitled "An  
Ordinance To Regulate The Manufacture And Storing Of Dynamite,  
Gun Powder, Munitions And Explosives Within The Corporate  
Limits Of The City Of South Amboy". A photostatic copy of  
the ordinance as the same was contained in the City Clerk's  
files, was caused to be made by me and is attached hereto  
and hereby made a part hereof.
- (5) This deponent now refers to a letter dated May 31,  
1950 from L. T. Jones, Commander, USCG for the Marine Board  
of Investigation, in which, among other things, it is stated  
"the Mayor further stated that a resolution was passed by  
the South Amboy city council, as recently as about two months  
ago, condemning the presence of large amounts of explosives



within the city limits." It is part of the duties of the City Solicitor to draw all resolutions when requested by the Mayor or any member of the Common Council. In this instance I was not asked to draw such a resolution and did not do so. I do not believe that one was passed. There is no record of such a resolution in the Clerk's minutes. If such a resolution were passed, I would have drawn it, or at least have known about it. I do not deny the possibility, however, that either before any official meeting of the council, or after such meetings, that the presence of explosives in the city may have been discussed and unofficially condemned, but not by or with me.

  
John P. McGuire  
City Solicitor, South Amboy, N. J.

Sworn to and subscribed  
before me this 6th  
day of June, 1950.

  
Mary R. Grispart  
Notary Public of N. J.





AN ORDINANCE TO REGULATE THE MANUFACTURE AND STORING OF  
DYNAMITE, GUN POWDER, MUNITIONS AND EXPLOSIVES WITHIN THE COR-  
PORATE LIMITS OF THE CITY OF SOUTH AMBOY.

WHEREAS, it is deemed necessary for the protection of life and property within the corporate limits of the City of South Amboy, to regulate the manufacturing and storing of explosives and munitions, or the transfer of the same within the city limits while in transit and to make and enforce such rules and regulations and storage, with-in the city limits, of such dangerous explosives and munitions in such quantities as to be a menace to the safety of our citizens; therefore,

Be it ordained by the Common Council of the City of South Amboy:

Section 1. That it shall be unlawful for any person or corporation to keep or store within the corporate limits of the City of South Amboy any Gunpowder, Dynamite, munitions or high explosives in quantities greater than one car load without having first obtained a permit so to do from the Mayor and Common Council of the City of South Amboy.

Section 2. All persons, firms or corporations handling or transferring any Gunpowder, Dynamite, Munitions or other high explosives within the corporate limits of the city of South Amboy, while said materials are actually in transit shall be held liable for all damage to life or property arising out of and incidental to such transfer.

Section 3. And be it further ordained that all persons, firms or corporations handling such dangerous and explosive materials within the corporate limits of the city, shall at all times see that the same is properly guarded and protected from fire and other dangers, and shall handle same only in accordance with the rules and regulations of The Interstate Commerce Commission governing such shipments.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance, or the provisions of any permit issued in conformity herewith shall upon conviction, forfeit and pay to the city of South Amboy, a fine of not more than One Hundred Dollars for each offense, and not more than One Hundred Dollars for every day thereafter so long as such violation exists.

Section 5. This ordinance shall take effect immediately.

Passed, March 13, 1917.

Approved, March 13, 1917.

A. T. KERR,

Mayor.

Attest: RICHARD M. MACK,

City Clerk.



