

SECT. IX. *And be it further enacted by the authority aforesaid,* 1787. That the president and directors of the said corporation shall be capable of exercising such powers, for the well governing and ordering of the affairs of the said corporation, and of holding such occasional meetings for that purpose, as shall be described, fixed and determined, by the laws, regulations and ordinances of the said corporation.

Power of the President and directors, for governing the affairs of the corporation.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said corporation may make, ordain, establish and put in execution such laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation: *Provided always,* That nothing herein before contained shall be construed to authorize the said corporation to exercise any powers in this state, repugnant to the laws or constitution thereof.

Power of the corporation to make and execute by-laws.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said corporation shall have full power and authority to make, have and use a common seal, with such devices and inscription as they shall think proper, and the same to break, alter and renew, at pleasure.

Seal of the corporation.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the president and directors of the said corporation shall deposit with the President or Vice-president in Council, duplicates of all and every the laws, regulations and ordinances, which shall or may from time to time be made, enacted or ordained by the said corporation, within ten days after the making, enacting or ordaining the said laws, regulations or ordinances, respectively.

Duplicates of the by-laws to be deposited with the executive.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any president, director, or any officer or servant of the said President, director or company, being intrusted with any bill or note, or any bond, deed, money or other effects, belonging to the said President, directors and company, or having any bill or note, or any bond, deed, money or other effects, lodged or deposited with the said President, directors and company, or with such officer or servant, as an officer or servant of the said President, directors and company, shall secrete, embezzle, or run away with any such bill, note, bond, deed, money or other effects, or any part of them, every President, director, officer or servant, so offending, and being thereof convicted in due form of law, in any court of Oyer and Terminer and General-Goal delivery within this commonwealth, shall be deemed guilty of felony, and shall suffer as a felon, agreeably to the laws for the punishment of grand larceny.

Any officer of the corporation secreting, embezzling or running away with bank bills, &c. shall be deemed guilty of felony. [Forgery of the notes, how punished. See act of 23d of April, 1794. (chap. 1795.)]

SECT. XIV. *And be it further enacted by the authority aforesaid,* That this act and every thing therein contained shall be taken and construed most favourably and beneficially for the said corporation.

The act to be construed favourably to the corporation.

Passed 17th of March, 1787—Recorded in Law Book, No. III, page 196.

## CHAPTER MCCLXVIII.

An ACT for securing the city of Philadelphia, and the neighbourhood thereof, from damage by gunpowder.

SECT. I. WHEREAS it appears that the act, entitled "An Act for the better securing the city of Philadelphia, and its liberties,

1787. from danger of gunpowder," is in several respects defective : Therefore, to remedy the defects thereof,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, no person shall keep in any house, store, shop, cellar or other place, within the city of Philadelphia, nor the country adjacent, within two miles of the said city, [except in the public magazine, in the square to the south of Vine-street, between Sixth and Seventh-streets, of the said city,] any greater quantity of gunpowder, at one time, than thirty pounds weight thereof, under the penalty of forfeiture of the whole quantity so over and above stored or kept, together with the sum of twenty pounds for every such offence.

[Repeated in part, see note.]  
No greater quantity of gunpowder than thirty weight to be kept in any other place than the magazine within the city, or two miles of it :  
Penalty.

Captains of vessels importing gunpowder into the port of Philadelphia shall give notice thereof, and deliver the gunpowder at the magazine :

Penalty.

The health officer to give information thereof to the captains, &c.

How gunpowder intended for exportation shall be shipped.

Penalty on gun-grass-ing.

SECT. III. *And be it further enacted by the authority aforesaid,* That every captain or master of, or merchant owning, any ship or vessel, bringing therein into such part of the port of Philadelphia, as lies between the southern boundary of the district of Southwark and the north-eastern boundary of the township of the Northern-Liberties, any gunpowder for sale or other purpose, (other than such gunpowder as shall be specially licenced in that behalf by the Supreme Executive Council,) shall, within the space of forty-eight hours from the arrival and coming to anchor of the said ship or vessel within the limits aforesaid, and before such ship or vessel shall be brought to any wharf of the said port within the said limits, deliver, or cause to be delivered, all the gunpowder above thirty pounds weight, brought as aforesaid, at the said magazine, between the hours hereinafter prescribed ; under the penalty of forfeiting at and after the rate of twenty pounds for every cask of gunpowder so withheld, and not delivered as aforesaid, together with the whole of such gunpowder, above the said thirty pounds weight, if such gunpowder be the property of the offender ; and in order that strangers may be the better apprized of the tenor of this act, the health-officer and his deputies are required and enjoined, as soon as they have opportunity, to give information thereof to such captain, master or merchant : and the custom-house and naval officers and their deputies are required and enjoined to give such information to the captains or other persons coming to their several offices, to make entry or report of their arrival or of their cargoes.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any gunpowder stored in the said magazine be intended for exportation, it shall not be delivered on board of the vessel intended to export the same, while she remains at any of the wharves, in such part of the port of the city of Philadelphia as aforesaid, but after removal of any such gunpowder for the purpose aforesaid from the said magazine, it shall be immediately delivered into some boat or craft, to be used for conveying it on board of such vessel, and which boat or craft shall be ready to receive and convey the same to such vessel, and shall forthwith carry it on board thereof, under penalty of forfeiture of such gunpowder, and of the sum of twenty pounds, to be paid by any person so offending, and of the further sum of fifteen pounds, for every hour such boat or craft

shall remain at any such wharf, after taking or receiving such gunpowder on board; and such gunpowder shall not be laden from any cart, dray or other carriage, on any wharf, within the said city and the aforesaid adjacent country, until the boat or craft into which it is to be delivered, for the purpose of conveying it to the vessel intended to export the same, shall be ready to receive it, under the penalty of twenty pounds, to be forfeited by every person so offending.

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Penalty for unloading the gunpowder from any cart before the boat is ready to receive it.

SECT. V. *And be it further enacted by the authority aforesaid,* That all gunpowder brought by land into the said city, or the adjacent country, within two miles of the said city, if above thirty pounds weight at one time, shall be immediately carried to the said magazine, and delivered to the superintendent thereof, or his deputy, within the hours hereinafter prescribed for his attendance at the the said magazine, under the same penalties as if brought by water, and not delivered, as in such case is herein directed, at the said magazine.

Gunpowder brought by land into the city, or within two miles of it, to be, likewise, deposited in the magazine.

SECT. VI. *And be it further enacted by the authority aforesaid,* That no person shall convey in any dray, cart, waggon, or other carriage, any greater quantity of gunpowder than thirty pounds weight, in or through the said city, or the adjacent country, within two miles of the said city, without securing it in a good bag or bags, or putting a sheet or canvas under and around the said powder, sufficient to prevent the same from scattering from the said carriage, under the penalty of forfeiture of the said gunpowder, and, for every such offence, the sum of twenty pounds, to be paid by every person so offending.

Gunpowder how to be conveyed through the city and adjacent country:

Penalty on transgressing.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the superintendent or keeper of the said magazine shall have and receive, for storage of such powder so deposited there, twelve-pence per barrel per month, and so proportionably for half barrels and quarter barrels, for the first six months, and six-pence per barrel per month, and so proportionably for half barrels and quarter barrels, for every month any such powder shall remain in the said magazine, above the space of six months, and likewise shall have and receive for every twelve pounds or less quantity thereof, delivered by the said superintendent or keeper of the said magazine, or his deputy, at one time, six-pence, over and above the said storage, to be paid to him at and upon the delivery thereof to the owner thereof, or the person appointed by the said owner to receive the same.

Allowance to the superintendent for storage of gunpowder.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said superintendent or keeper of the said magazine, or his successors in the said office for the time being, shall be accountable to the owners or deliverers of such powder, from and after their delivery at, and depositing thereof in the said magazine, (lightning and other unavoidable accidents of any kind excepted) and shall also cause daily attendance to be given at the magazine aforesaid, from the hour of nine until twelve in the forenoon, and from the hour of two until five in the afternoon, except in the months of November, December and January, when such attendance in the afternoon shall be from two to four o'clock, for delivering out and receiving of, and taking in such powder, and immediately on so receiving into his cus-

The superintendent to be accountable to the owners of the gunpowder deposited in the magazine.

Hours of attendance at the magazine.

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today, at the said magazine as aforesaid, any quantity of gunpowder, the said superintendant or keeper of the said magazine, or his successors for the time being, shall give receipts in writing for the same, expressing the quantity of powder, and describing the numbers and marks of the casks.

Receipts to be given for gunpowder deposited.

Of the removal of the superintendant, and appointing a successor.

How an account of the gunpowder shall, in such cases be taken and charged.

The executor of a deceased superintendant to have access to the books.

Penalty on superintendant's neglect of duty;

and appropriation thereof.

Of the recovery of fines, &c. under this act.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the Supreme Executive Council shall have power to remove the said superintendant or keeper of the said magazine, and appoint another in his place, whenever it shall appear to them necessary, as well as to appoint a successor in case of death, in all which cases, the successor in office shall make out an account of all powder in the said magazine, in the presence of a person to be appointed by the Council, as also in the presence of his predecessor, if living, and, if not, in the presence of one of his executors or administrators, if any, if he shall attend on notice given, and the quantity found to be in the said magazine shall be charged to the new officer, which account shall also be compared, in the presence of such persons as aforesaid, with the account of the immediate predecessor, for which purpose the said superintendant, or the keeper of the said magazine, and his successors in the said office, shall keep fair books, in which all such powder, so to be brought into the said magazine, or found therein at the passing of this act, shall be entered, which books shall be delivered up to the successors in the said office; but in case any disputes or mistakes shall arise or appear, the executors or administrators of any deceased superintendant or keeper of the said magazine shall have access at all reasonable times, to the book delivered up; in order to adjust the said disputes or mistakes.

SECT. X. *And be it further enacted by the authority aforesaid,* That if the said superintendant or keeper of the said magazine, for the time being, shall refuse or neglect to give attendance as aforesaid, or to receive or deliver, as the case may be, such powder, or any part thereof, to the owner or deliverer aforesaid, requiring the same within the hours aforesaid, or shall take any more or greater sums or rates, than are by this act allowed to him, he or they, so offending, shall be fined, for every such offence, in a sum not exceeding five pounds, upon conviction of such offence on indictment in the city court of the city of Philadelphia; which fine or fines shall go into the hands of the Treasurer of the commissioners for paving the streets of the city of Philadelphia, for the purpose of paving the said streets.

SECT. XI. *And be it further enacted by the authority aforesaid,* That all and singular the fines, penalties and forfeitures, mentioned in this act, other than those mentioned in the tenth section hereof, shall and may be recovered in any court of record in this state, with costs of suit, by bill, plaint or information, wherein no essoin, protection or wager of law, nor any more than one imparlance, shall be allowed, the one moiety of which fines, penalties or forfeitures, except as before excepted, shall go into the hands of the Treasurer of the commissioners for paving the streets of the city of Philadelphia, to be by them disposed of, for the purpose of paving the said streets, and the other moiety thereof to the informer and prosecutor, who shall sue for the same.

**SECT. XII.** *And be it further enacted by the authority aforesaid,* 1787.  
 That any justice of the peace within the limits of the said city, and the adjacent country, within two miles of the said city, on demand made by such superintendent or keeper of the said magazine, shewing a reasonable cause, on oath or affirmation, may issue his warrant under his hand and seal, empowering such superintendent or keeper of the said magazine to search, in the day time, any house, store, shop, cellar or other place, or any boat, ship or other vessels, for any quantity of gunpowder forbidden by this act to be kept in any place or places, and for that purpose to break open, in the day time, any such house, store, shop, cellar or other places aforesaid, or any boat, ship or other vessel, if there be occasion; and the said superintendent or keeper of the said magazine, on finding such gunpowder, may seize and remove the same, in twelve hours, from any such place or places, boats, ships or vessels, to the said magazine, and therein detain the same, until it be determined in the proper court, whether it be forfeited or not by virtue of this act; and the said superintendent or keeper of the said magazine shall not in the mean time be sued, for seizing, keeping or detaining the same, nor shall any writ of replevin issue therefor, until such determination as aforesaid be made, but all such suits are hereby declared to be illegal, erroneous, and abated.

Of issuing warrants to search houses, &c. for gunpowder;

of the removal thereof, and indemnity of the superintendent in so doing.

**SECT. XIII.** *And be it further enacted by the authority aforesaid,*  
 That the said superintendent or keeper of the said magazine may examine, and, if occasion be, seize any greater quantity of gunpowder, while in any dray, cart, waggon or other carriage, than is allowed hereby to be loaded in the same, or conveyed therein, within the said city, or the adjacent country, within two miles of the said city, and also to examine and seize any gunpowder found in any such carriage as aforesaid, within the said city and adjacent country as aforesaid, which shall be found not to be secured from scattering, in the manner directed by this act, or which may be found in any other situation prohibited hereby, and the same shall be by him conveyed, within twelve hours, to the said magazine, therein to be by him stored and detained, until it shall be determined in the proper court, whether the same be forfeited or not in virtue of this act; and such superintendent or keeper of the said magazine shall not in the mean time be sued, for seizing, keeping or detaining the same, nor shall any writ of replevin issue therefor, until such determination as aforesaid be made, but all such suits are hereby declared to be illegal, erroneous, and abated.

Of the seizure of gun powder, loaded in carriages, contrary to this act.

and the superintendent's indemnity in so doing.

**SECT. XIV.** *And be it further enacted by the authority aforesaid,*  
 That if any suit or action be commenced or prosecuted against any person or persons, for any thing done in pursuance of this act, every such person or persons may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereon; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue his action, or if, on demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble costs, and shall have the like remedy for the same, as any defendant hath in other cases.

Proceedings in case of persons sued for any thing done under this act; and what costs to be allowed, if judgment is for defendant.

**SECT. XV.** *And be it further enacted by the authority aforesaid,*  
 That the superintendent or keeper of the said magazine shall, be-

The superintendent to give bond.

1787. fore he enters on the execution of his office, give bond, with such security to the Supreme Executive Council as they shall deem necessary, in the sum of five hundred pounds, conditioned for the faithful performance of his duty, as directed by this act.

Repeal of all former acts for storing gunpowder.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That all acts heretofore made, in any way respecting the storing or keeping of gunpowder in the said city, or the adjacent country, within two miles of the said city, or in any part of the liberties of the same, shall be, and hereby are repealed.

Passed 28th March, 1787.—Recorded in Law Book No. III. page 199. (z)

(z) See an act for the inspection of gunpowder, passed 18th of April, 1795, (chap. 1846.)

By a resolution of the General Assembly of 6th of April, 1790, the executive was authorized to purchase a lot of ground, and erect thereon a gunpowder magazine. (Minutes of Assembly of 1789, -90, pa. 260, 261,) and by a supplement to the act in the text, passed 13th of April, 1791, (chap. 1562,) all gunpowder brought into the city, after the 1st of July, (then) next, shall be deposited and kept in the new magazine (on the banks of Schuylkill, on the north side of Walnut street,) subject to the regulations contained in the act in the text, and that part of the 2d section of the act in the text, which relates to deposits in the old magazine, is repealed. By "a Supplement to "An act for securing the city of Philadelphia, and the neighbourhood thereof from damage by gunpowder," and also, to "An act for providing for the inspection of gunpowder," passed 29th of March, 1802, (chap. 2264,) certain duties are enjoined on the inspector of gunpowder in and for the port of Philadelphia; and an additional compensation allowed to the inspector, and the owners of inspected gunpowder are authorized to convey, immediately from the manufactory, such inspected powder to the place of exportation, or to any ship intended to export the same, subject to the same rules, regulations and penalties contained in the original acts.

A penalty is also inflicted on the superintendent of the magazine, or his deputy, for being concerned, directly or indirectly, in manufacturing or selling gunpowder. And the superintendent, in future, shall receive no fee or emolument, for the delivery of gunpowder, but only for the storage.

By an act, entitled, "An act for the removal of the powder magazine from the city of Philadelphia," passed 4th of April, 1807, (chap. 2804,) commissioners were appointed to sell and convey the present powder magazine and the lot on which the same is erected, and with the proceeds to purchase ground, and erect other magazines; commissioners to be compensated. To erect a magazine for the traders in the city, to supply the daily demand, not less than one mile from the city, nor of a capacity to contain more than ten tons of powder; and one or more magazines to store, or deposit powder in large quantities, not less than four miles from the city. Reserving a right to the state, to deposit powder therein belonging to the public.

As soon as completed, the superintendent to remove the powder from the old to the new magazine, where all powder is to be thereafter kept, subject to the regulations and penalties now in force, with regard to the deposit and inspection of gunpowder in the present magazine.

Five thousand dollars were granted to complete the new magazine, by act of 25th of February, 1808, (chap. 2923.)

## CHAPTER MCCLXXII.

*An ACT for facilitating the redemption of the bills of credit, emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of the state, by the speedy collection of the arrearages due for unpatented lands which were located before the declaration of independency.*

SECT. I. WHEREAS, in and by an act of the General Assembly of this commonwealth, passed the sixteenth day of Septem-