

1795. the several reserved tracts of land adjoining the towns of *Erie, Franklin, Warren and Waterford*, and for other purposes therein mentioned." The governor is directed to appoint two persons, who, together with the commissioner of sales, are to appraise all the in-lots in squares, and the out lots in the second section of *Erie*, which appraisement shall be entered in a book for that purpose, they shall then advertise the lots for sale on a day certain; but no contract shall be confirmed until sixty days after opening the books; and the terms prescribed, in yearly instalments; the bonds to be sent to the Secretary of the Land-Office within six months; who shall issue patents to the purchasers, on payment according to the sales. The commissioner and persons appointed to be under oath or affirmation, and to receive a certain compensation.

The Beach of the lake, from the upper corner of the garrison tract, and for twenty perches back from the water's edge, down the lake to the out-lots, and from thence down the same,

including all the land between the out-lots and the water's edge, to the tract of land No. 38, shall be and remain a public landing for the use of the inhabitants and others, until otherwise appropriated by law; and penalty for obstructing the said landing.

By an act passed 2d April, 1811. The occupancy and use of certain lands near *Presqu' Isle*, not less than two nor more than four acres, are ceded to the United States, for the purpose of erecting a light-house, commissioners appointed to survey and lay it off, and transmit the draft thereof to the Secretary of the treasury of the United States. —The jurisdiction, and right of soil excepted by the state.

An academy is incorporated in the borough of *Erie*, by act of 2d April, 1811. And five hundred acres of the reserved lands, adjoining the town and fifteen town lots, are granted to the said academy, for the use thereof, &c.

Two out-lots of the town of *Franklin*, ceded to the United States, by act of 1st Feb'y, 1796, (chap. 1858,) *post*.

## CHAPTER MDCCCXLVI.

### *An ACT providing for the inspection of Gun-powder.*

WHEREAS gun-powder imported from abroad, and manufactured within this state, hath frequently been found to vary much in its strength, and sometimes of inferior qualities, and its defects not discovered until brought into actual use: And whereas the modes heretofore used to prove the force thereof have been found uncertain and variable: And whereas Joseph Leacock, of the city of Philadelphia, hath invented an engine, called a pendulum powder proof, with a graduated arch and catch-pall, by which it is conceived that the force of gun-powder may be proved by experiment, and the article reduced to certain and uniform standards of strength, whereby the manufacture may be advanced towards ultimate perfection, and the purchaser and consumer protected against fraud and imposition:

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of October next, all gun-powder manufactured within this state, with intent, to sell the same within the city or county of Philadelphia, shall be put in good and tight kegs or casks of twenty-five, fifty, or one hundred pounds neat weight, each made of well seasoned timber, bound together with at least twelve hoops, and having a hole bored in each head, of the diameter of one fourth part of an inch, well stopped with corks and having the tare weight of each cask marked thereon, and that all such

[See vol. 2, pa. 401, and the note thereto.]

Gun-powder manufactured in this state, how to be packed in casks.

gun-powder, and all other gun-powder, wheresoever manufactured, imported into the port of Philadelphia, or brought into the city or county of Philadelphia for sale, shall be deposited, forthwith on such importation or bringing in by land or by water, in the public magazine in the said city, and delivered to the care of the keeper of the same, who shall give his receipt for the same, deliverable to the order of him or them who shall so deposit the same. 1795.

All gun-powder manufactured, or imported, to be deposited in the magazine.

SECT. II. *And be it further enacted by the authority aforesaid,* That David Rittenhouse, Francis Gurney, and Thomas Proctor be, and they are hereby, appointed commissioners, to procure at least two pendulum powder proofs, upon the construction invented by the said Joseph Leacock, as nearly uniform in the length of the radius and weight of pendulum, and in length of caliber and weight of the pistol, as they can procure the same, and therewith make experiments of the respective strength or force of the several species of gun-powder imported from abroad, and manufactured within this state, sufficient in number to ascertain the quality and force of three different degrees of strength in explosion, and marking the number of degrees on the graduated arch of the said engine, to which equal quantities by weight of the said three species of gun-powder, rammed with equal force into the pistol, shall elevate the said pendulum; and the powder, which shall be barely capable of raising the said pendulum to the lowest rate of elevation, shall be the standard for the state of Pennsylvania for gun-powder of the first or lowest proof; and the powder, which shall be capable of raising the said pendulum to the highest rate of elevation, shall be the standard of gun-powder for the state of Pennsylvania of the third or highest proof; and the middle or second proof standard of gun-powder shall be ascertained by the number of degrees on the said graduated arch, to which the same quantity by weight in equal moieties of the first and third proof powder shall be capable of raising the said pendulum; and the said standard being so fixed and ascertained, the said commissioners shall make report thereof in writing, by indentures under their hands and seals, one part thereof, together with one of the said two pendulum powder proofs, and as accurate a draft and description thereof as can be made shall be returned to the Governor, to be filed and remain in the office of the Secretary of the commonwealth; one other part shall be returned to the Master of the Rolls, to be recorded in his office, and filed among the laws of the state; and the other part, together with the other pendulum powder proofs, shall be delivered to the first Inspector of gun-powder to be appointed in pursuance of this act, and by him, and his successors in office, to his and their successors, as often as another officer shall be appointed.

Commissioners appointed to procure pendulum powder proofs

Standard proofs of gun-powder.

The commissioners to report, and return accurate drafts of the two pendulum powder proofs;

where the same shall be deposited.

SECT. III. *And be it further enacted by the authority aforesaid,* That so often as the said pendulum powder proofs in the possession of the Inspector shall by natural wear, or by accident, be rendered unfit for use, or its accuracy doubted, the same shall be compared with the other remaining in the Secretary's office, and if found necessary, a new one constructed, and made conformably thereto in measure and weight, for the use of the Inspector at his own costs and charges.

How the pendulum in the keeping of the inspector may be repaired, or a new one made.

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A suitable building to be erected, for the use of the Inspector.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall prepare and report a plan for the necessary buildings, and an estimate of the expense thereof, and the same being laid before and approved by the Governor, he shall cause to be erected and built, on the most proper part of the lot belonging to the public magazine aforesaid, a brick building, for the use of the Inspector, with two apartments, one for the purpose of keeping his engine apparatus and for making proofs, and the other for the purpose of keeping the samples of powder in safety, the expense of which building shall be paid and defrayed by warrants to be drawn by the Governor on the State Treasurer, which shall be allowed him on settlement of his accounts, out of the fund for the support of government: *Provided,* That the whole amount of the expense thereof do not exceed the sum of five hundred dollars.

Limitation of the expense.

An inspector of gun-powder to be appointed.

SECT. V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor of this commonwealth, and he is hereby required, as soon as conveniently may be after the passing of this act, and as often afterwards as the office shall become vacant by death, resignation or otherwise, to appoint one suitable and skilful person to be inspector of gun-powder in and for the city, port and county of Philadelphia, who before he enters on the duties of his office, shall take and subscribe the oath or affirmation required by law for the support of the constitutions of the United States and of this state; and moreover shall take and subscribe, before the Governor, an oath or affirmation, that he will well and faithfully perform all and singular the duties required by this act, according to the best of his knowledge, skill and ability, and without prejudice or partiality.

His qualification.

Duties of the inspector.

To inspect, examine and prove the gun-powder;

to mark the standard quality;

to mark condemned gun-powder;

to weigh the gun-powder occasionally;

and to supply any deficiency from other casks.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Inspector of gun-powder so to be appointed, for the time being, to attend at the said public magazine, and his office so to be built, as often as shall be necessary, to inspect and examine all gun-powder there to be deposited, to draw samples from each cask of powder which shall be so as aforesaid bored, and to open or otherwise get samples of casks of powder not bored as aforesaid, and removing such samples to his office, there to prove the same by the pendulum proof aforesaid, and note the standard quality of each cask, to provide himself with cedar plugs stamped on the outer end with the letters S. P. and the figures number one, number two, and number three, to designate the first, second and third proofs of standard gun-powder of the state of Pennsylvania, and another stamped with the letters S. P. to designate condemned

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gun-powder, and therewith carefully to plug up the holes opened or made for the purpose with such marked plugs, as the proof quality of the powder in each cask respectively contained, and occasionally to weigh the said casks; and if upon weighing the same suspicion should arise that the casks are false tared, or do not contain the quantity herein above mentioned for each cask, to empty the same, and weigh the cask and powder separately, to ascertain the deficiency, if any, in the neat weight, and to fill the same to its due weight out of any other cask belonging to the same person, marking the

weight taken on the ullage casks, and keeping an exact account in his books thereof, and of the names of the owners, and the persons bringing and depositing the same. 1795.

SECT. VII. *And be it further enacted by the authority aforesaid,* That every cask of gun-powder inspected as aforesaid shall be plugged up with a plug marked with the number next below the standard number of degrees to which the pendulum shall not be elevated in the proof, and that every cask of gun-powder inspected as aforesaid, which shall not elevate the pendulum to the standard of the first or lowest proof, shall be condemned, and one pint of clean water for every twenty-five pounds of powder therein contained shall be poured thereinto, and the hole plugged up with the plug marked S. P. before the same shall be delivered over to the

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owner to be refined and re-manufactured; and to prevent a failure in the inspection by the temporary indisposition of the Inspector, it shall and may be lawful for him to execute all the duties hereby required by a Deputy, to be appointed by him, and approved by the Governor, the Deputy first taking and subscribing the like oaths or affirmations hereby required from the principal.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the keeper of the said magazine shall at all seasonable times in every juridical day in the year admit the said Inspector, and his Deputy and Assistants, into the said magazine, to do and perform the several duties hereby required of him and them, and shall not deliver any powder from the said magazine until the same shall be inspected as aforesaid.

SECT. IX. *And be it further enacted by the authority aforesaid,* That no person appointed to the office of Inspector, or his Deputy, shall, during the time of holding or exercising the said office, be concerned directly or indirectly in manufacturing, buying or selling gun-powder in gross, or by retail, under penalty of forfeiting the sum of five hundred dollars for every such offence, to be recovered by any person who will sue for the same in any court having competent jurisdiction, one moiety for the use of this commonwealth, and the other to the use of him or them who shall sue for the same; and upon conviction thereof shall be removed from the said office, and wholly disqualified to take or hold any office of trust or profit under this commonwealth.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any person, from and after the said first day of October next, importing or bringing into the port or city, or county of Philadelphia, any quantity of gun-powder exceeding twenty-five pounds, with intent to sell the same, shall neglect to deposit the same for inspection in the magazine aforesaid, or shall sell the same before it be inspected and marked as aforesaid, or shall sell any gun-powder that shall be condemned as aforesaid as and for merchantable gun-powder, every person so offending shall forfeit all such gun-powder as aforesaid.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the Inspector shall be entitled to demand and receive of and from the owner and possessor of all gun-powder deposited in the

Rule for marking or condemning gun-powder.

The inspector, may appoint a deputy.

The inspector, &c. to be admitted into the magazine.

Powder not to be delivered, till inspected.

Penalty, if the inspector or his deputy are concerned in manufacturing or selling gun-powder.

Penalty on not depositing gun-powder in the magazine, or selling the same without inspection.

Fees of the inspector.

1795. said magazine, and by him or his Deputy examined, proved and plugged, as aforesaid, the following sums or rates, whether the same be approved or condemned, paid or secured, before the same shall be removed from the magazine, if the Inspector shall so require; for every cask of powder, manufactured in this state, or any of the United States, bored, and stopped with corks by the manufacturer, containing twenty-five pounds neat weight, seven cents; for every like cask containing fifty pounds, eight cents; for every like cask containing one hundred pounds, nine cents; and for every cask of foreign powder, or powder manufactured in the United States, not bored and stopped with corks as aforesaid, double the said price or rates; and for every cask which he shall find deficient one per cent. in weight and shall fill up, fifty cents.

How disputes between the owner of gun-powder and the inspector shall be decided.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any dispute should arise between the owner, possessor or consignee of any such powder and the Inspector, touching the proof or condemnation thereof, or of the goodness of the materials and manner in which the casks are made, upon application by the owner, possessor or consignee of such powder to one of the Magistrates of the city or county of Philadelphia, where the dispute shall arise, the said Magistrate shall issue his warrant to three indifferent judicious persons to be triers thereof, one of them to be named by the said owner, possessor or consignee, one by the said Inspector, and the third by the said Magistrate, directing the said triers to view and examine the said powder, and make report to him forthwith touching the condition thereof, and that if they shall find the said powder not merchantable, that they certify to him the cause thereof, and the said Magistrate shall thereupon give his judgment agreeably to the report of the said triers, or any two of them; and in case the said Magistrate shall on such report adjudge the powder not to be merchantable, he shall award the owner, possessor or consignee thereof, to pay all costs; but in case the said powder shall be found merchantable, the Inspector shall be adjudged to pay all costs, which may have accrued, and shall thereupon cause the powder to be marked as of the standard to be directed by the said triers. (u)

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 26.

(u) By a supplement to this act, passed 29th March, 1802, in this volume, (chap. 2264.) The Inspector is authorized, directed and enjoined on request, &c. of any owner or occupier of any manufactory of gun-powder, within the county of Philadelphia, to repair to such manufactory, from time to time, to inspect and mark all gun-powder manufactured thereat, and to receive ten cents a mile, travelling expenses, therefor, besides his usual fees.

And the owner may remove such gun-powder immediately from the manufactory to the place of exportation.

Penalty on the superintendent of the magazine, or his deputy, if concerned directly, or indirectly, in manufacturing or selling gun-powder.

The superintendent, in future, not to receive any fee or emolument for the delivery of any gun-powder; but shall only charge for the storage of gun-powder deposited in the magazine.