

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 if they shall find the said powder not merchantable, that they certify to them 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.

Passed April 18, 1795. Recorded L. B. No. 6, p. 26, etc.

See the Act to prevent danger to Philadelphia by gunpowder, passed March 28, 1787, Chapter 1279.

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## CHAPTER MDCCCLVIII.

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AN ACT SUPPLEMENTARY TO THE SEVERAL ACTS OF ASSEMBLY FOR ESTABLISHING THE JUDICIAL COURTS OF THIS COMMONWEALTH, IN CONFORMITY TO THE ALTERATIONS AND AMENDMENTS IN THE CONSTITUTION.<sup>1</sup>

Whereas the times directed for holding the supreme court of this commonwealth are inconvenient. Therefore:

[Section I.] (Section I, P. 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 present term of April, the three terms of the supreme court of this commonwealth shall be holden on the first Monday in September, and on the second Monday in December, and the third Monday in

March, and that the said December term shall continue three weeks and no longer, and the said terms in September and March shall continue two weeks and no longer, and that the act to which this is a supplement, so far as it regulates the times of holding the court aforesaid, or the time of continuance thereof, shall be, and is hereby, repealed.

(Section II, P. L.) And whereas delays and inconveniences, as well in the commencement as in the prosecution of suits and proceedings in the supreme court of this state, arise from the want of a second return day in each term of the said court. Therefore:

[Section II.] Be it enacted by the authority aforesaid, That the last day, as well as the first day, of every term of the said court, hereafter to be holden, shall be a common day of return in the same court, at either of which periods any writs, original, mesne or judicial process, or other proceeding, issuing or to be had out of the said court, may be made returnable at the election of the party suing out the same, and the same writs, process and other proceedings, thus made returnable on the last day of the term, shall be as valid and effectual in all cases and to all intents and purposes, as if the same had been made returnable on the first day of the term. Provided, That the same be sued out at like periods of time previous to the second return day, and like directions be observed and performed, as are made necessary by law in writs, process or other proceedings returnable on the first day of the term.

[Section III.] And be it further provided, That nothing herein contained shall prevent special days of return being appointed or assigned, either of course or at the discretion of the justices of the said court, or of any one of them, for writs, process or proceedings in the said court, in which special days of return have heretofore been used or accustomed, so to be appointed or assigned.

<sup>1</sup>See Act passed January 28, 1777, Chapter 737, and notes.  
Passed April 18, 1795. Recorded L. B. No. 6, p. 33, etc.