

which exempts common salt, salt-petre, gun-powder, lead or shot and prize goods from any impost or duty be and the same is from henceforth repealed, made null and void.

Passed November 18, 1783. Recorded L. B. No. 2, p. 205, etc.

CHAPTER MLIX.

AN ACT FOR THE BETTER SECURING THE CITY OF PHILADELPHIA
AND ITS LIBERTIES FROM DANGER OF GUNPOWDER.

(Section I, P. L.) Whereas by an act, entitled "An act for the better securing the city of Philadelphia from danger of gun-powder,"¹ passed in the year one thousand seven hundred and twenty-four, and a supplement thereto,² passed in the year one thousand seven hundred and forty-seven, continuing the said act in force until altered by a future assembly, it was directed that all gun-powder brought into the port of Philadelphia should be deposited in a certain powder house therein described, under the penalty of ten pounds for every offense:

And whereas another powder house or magazine hath been erected in the said city in the public square on the south side of Vine street, between the Sixth and Seventh streets from Delaware, at the public expense:

And whereas the said penalty of ten pounds is not deemed sufficient to deter persons from storing large quantities of gun-powder in private houses and stores, to the great danger of the inhabitants:

[Section I.] (Section II, P. L.) Be it therefore 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 no person whatsoever, within the precincts of Philadelphia, nor within two miles thereof,

¹ Passed August 14, 1725, Chapter 287.

² Passed May 8, 1747, Chapter 372.

shall, from and after the passing of this act, presume to keep in any house, shop or cellar, store or place whatsoever, in the said city, nor within two miles thereof, other than in the said public magazine, any more or greater quantity at any one time than thirty pounds weight of gun-powder, under the penalty of a forfeiture of the whole quantity so over and above stored, together with a fine of twenty pounds for every such offense. And whatever master, merchant or other person trading or bringing into the said port any gunpowder (other than such as shall be specially licensed in that behalf, by the president or vice-president and council of the state of Pennsylvania) shall not within the space of forty-eight hours from his first arrival and coming to anchor there, and before he hauls to the wharf, upon due notice given him by the officer hereinafter appointed, or his successor or his or their deputies, of the purport of this act, deliver all the powder so brought into the said port aforesaid, unto the said officer, or his successor or his or their deputies, he or they so offending shall forfeit at the rate of twenty pounds for every cask so withheld, together with the whole of the powder, if the property of the person so offending.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That all gunpowder brought by land to the said city, if above thirty pounds weight, at any one time, shall immediately be carried to the powder house aforesaid, and delivered to the officer or his deputy, under the same penalty as if brought by water, saving that they shall not wait to be informed or noticed by the said officer.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That if any such gunpowder which may be stored in such magazine, shall be intended for exportation, it shall not be delivered into any vessel or craft, so designed to carry away the same, whilst she remains at any of the wharves of the said city or liberties, other than the boat or craft necessary to be made use of to convey it on board such vessel, nor shall it be unladen or delivered from any cart or carriage whatever on any wharf, until the boat or craft so designed to carry it on board the vessel in which it is to be exported shall be ready to receive the same, under the penalty of twenty pounds,

and the boat or craft so receiving it on board shall immediately carry it away, under the penalty of fifteen pounds for every hour she remains at the wharf.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That if any person shall presume to convey in any dray, cart, wagon or other carriage, any greater quantity of powder than thirty pounds weight, through the said city, or within two miles thereof, without securing it in a good bag or bags and putting a sheet or canvas under the said powder, sufficient to prevent its scattering from the said carriage, such person shall forfeit and pay for every such offense the sum of twenty pounds.

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That Joseph Stiles be and is hereby appointed the officer to superintend the said magazine, who shall have and receive for storage of such powder so deposited 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 casks for every month any of the said powder remains in the said store above six months, and likewise shall have and receive for every twelve pounds and lesser quantity, to be delivered at one time, six pence, over and above the said storage.

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That the said Joseph Stiles or his successors shall be accountable to the owners or deliverers of such powder so deposited (lightning and other unavoidable accidents excepted) and shall also cause daily attendance to be given at the powder house aforesaid from the hours of nine until twelve in the morning, and [from] two until five in the afternoon for delivering out the said powder, and also at all times, on due notice given, for receiving thereof (if coming by water) at the nearest and most convenient landing to the said magazine, the owners of such powder paying the expense of lighterage and portorage; and immediately upon receiving into his custody any quantity of powder as aforesaid, he or they shall pass his receipts in writing for the same, expressing the quantity of powder, and describing the number and mark of the casks.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That the president or vice-president and council for the time being shall have power to remove the said officer, and appoint another in his room, whenever it shall appear to them expedient and necessary, as well as in case of death, in which case as well as on removal by the president or vice-president and council the successor in office shall make out an account of all powder in the said magazine, in presence of a person to be appointed by the said council, as well as in presence of his predecessor, if living, if not, of his executor or administrator, if he or they shall attend on due notice given, and the quantity found shall be chargeable to the said new officer; which account shall be compared with the account of his predecessor for which purpose the officer now appointed, and his successors shall keep a fair book in which all such powder so brought into the said magazine, and found therein at the time of passing this act, shall be entered, which book shall be delivered up to the successor in office, but in case any disputes or mistakes shall arise, he, or his executors or administrators shall have access at all reasonable times to the book so by him delivered up, in order to determine and adjust the same.

[Section VIII.] (Section IX, P. L.) And be it enacted by the authority aforesaid, That whatsoever quantity of powder of the ship's store of any vessel shall be so as aforesaid delivered to be kept at the said magazine, and shall be re-demanded in order for exportation out of this state, the said officer, or [the] officer for the time being, shall cause the same to be re-delivered at the nearest and most convenient landing to the said magazine without exacting any other perquisite for such re-delivery, than the storage aforementioned, save the expense of cartage: And if the said officer or the officer for the time being, shall neglect to give attendance as aforesaid, or shall take or exact any more or greater rates than is herein before allowed, he or they so offending shall, on due proof thereof made by one or more credible witnesses, before any justice of the peace of the city or county of Philadelphia, forfeit and pay, for every such offense, such sum of money as the said justice shall think fit to award, not exceeding the sum of five pounds for one offence.

[Section IX.] (Section X, P. L.) And be it enacted by the authority aforesaid, That all powder intended for exportation shall be shipped under, and subject to the same restrictions, regulations and penalties as mentioned in the fourth section of this act.

[Section X.] (Section XI, P. L.) And be it enacted by the authority aforesaid, That all and singular the fines and forfeitures arising by this act, except under the sum of five pounds shall be recovered in any court of record in this state, 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 forfeiture and penalties shall go into the hands of the treasurer of the commissioners for paving the streets, to be by them disposed of until otherwise ordered by act of assembly, and the other moiety thereof to the informer or prosecutor who shall sue for the same.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the officer appointed by this act or hereafter appointed to execute the same, shall before he enters upon the execution of his office, give bond with sufficient security to the president or vice-president in council, in the sum of two hundred pounds conditioned for the true and faithful performance of his duty according to this act.

[Section XII.] (Section XIII, P. L.) And it is hereby further enacted by the authority aforesaid, That all acts heretofore made respecting the storing of gunpowder in the said city, shall be and are hereby repealed.

Passed December 6, 1783. Recorded L. B. No. 2, p. 206, etc. See the Act of Assembly passed March 28, 1787, Chapter 1277, and the note to the Act of Assembly passed May 8, 1747, Chapter 372.