

the making, enacting or ordaining the said laws, regulations or ordinances respectively.

(Section XIII. P. L.) [Section XI.] 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 entrusted 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, 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 gaol 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.

(Section XIV. P. L.) [Section XII.] And be it further enacted by the authority aforesaid, That this act and everything therein contained shall be taken and construed most favorably and beneficially for the said corporation.

Passed March 17, 1787. Recorded L. B. No. 3, p. 196, etc. See the Acts of Assembly passed March 20, 1799, Chapter 2033; March 31, 1860, P. L. 453.

CHAPTER MCCLXXIX.

AN ACT FOR SECURING THE CITY OF PHILADELPHIA AND THE NEIGHBORHOOD THEREOF FROM DAMAGE BY GUNPOWDER.

(Section I. P. L.) Whereas it appears that the act, entitled "An act for the better securing the city of Philadelphia and its liberties from danger of gunpowder,"¹ is in several respects defective:

Therefore to remedy the defects thereof:

¹ Passed December 6, 1783. Chapter 1059.

(Section II. P. L.) [Section I.] 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 or 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 offense.

(Section III. P. L.) [Section II.] And be it further enacted by the authority aforesaid, That every captain or master of, or merchant owning any ship or vessel bringing therein to 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 licensed 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 thirty pounds weight if such property be the property of the offender, and in order that strangers may be 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 and required and enjoined to give such information to the captains or other per-

sons coming to their several offices to make entry or report of their arrival or of their cargoes.

(Section IV. P. L.) [Section III.] 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 in 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 unladen 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.

(Section V. P. L.) [Section IV.] And be it further enacted by the authority aforesaid, That all gunpowder 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 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.

(Section VI. P. L.) [Section V.] And be it further enacted by the authority aforesaid, That no person shall convey in any dray, cart, wagon 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 with-

out 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 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.

(Section VII. P. L.) [Section VI.] 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 proportionately for half barrels and quarter barrels for the first six months and six pence per barrel per month and so proportionately 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.

(Section VIII. P. L.) [Section VII.] 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 (lightening 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 custody at the said magazine as aforesaid any quantity of gunpowder the said superintendent 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.

(Section IX. P. L.) [Section VIII.] And be it further enacted by the authority aforesaid, That the supreme executive council shall have power to remove the said superintendent 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 predecessors if living and if not in the presence of one of his executors or administrators, if any, 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 superintendent 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 superintendent 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.

(Section X. P. L.) [Section IX.] And be it further enacted by the authority aforesaid, That if the said superintendent 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 offense 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.

(Section XI. P. L.) [Section X.] 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 and 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.

(Section XII. P. L.) [Section XI.] And be it further enacted by the authority aforesaid, That any justice of the peace within the limits of the said city and the adjacent county within two miles of the said city on demand made by such superintendent or keeper of the said magazine showing 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 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 sieze 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 therefore until such deter-

mination as aforesaid be made but all such suits are hereby declared to be illegal, erroneous and abated.

(Section XIII. P. L.) [Section XII.] 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, wagon or other carriage than is hereby allowed 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 shall be forfeited or not in virtue of this act and such superintendent or keeper of the said magazine shall not in the meantime be sued for seizing, keeping and detaining the same nor shall any writ of replevin issue therefore until such determination as aforesaid be made but all such suits are hereby declared to be illegal, erroneous and abated.

(Section XIV. P. L.) [Section XIII.] 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 anything 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 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.

(Section XV. P. L.) [Section XIV.] And be it further enacted by the authority aforesaid, That the superintendent or keeper of the said magazine shall before 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.

(Section XVI. P. L.) [Section 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 are hereby repealed.

Passed March 28, 1787. Recorded L. B. No. 3, p. 199, etc. See the Acts of Assembly passed April 13, 1791, Chapter 1573; April 18, 1795, Chapter 1857.

CHAPTER MCCLXXX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT APPOINTING DEPUTIES TO THE CONVENTION INTENDED TO BE HELD IN THE CITY OF PHILADELPHIA FOR THE PURPOSE OF REVISING THE FEDERAL CONSTITUTION."¹

(Section I. P. L.) Whereas by the act to which this act is a supplement certain persons were appointed as deputies from this state to sit in the said convention:

And whereas it is the desire of the General Assembly that his excellency Benjamin Franklin, Esquire, President of this State, should also sit in the said convention as a deputy from this state:

Therefore:

(Section II. P. L.) [Section I.] 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 his excellency Benjamin Franklin, Esquire, be and he is hereby appointed and authorized to sit in the said convention as a deputy from this state in addition to the persons heretofore appointed and that he be and he

¹ Passed December 30, 1786. Chapter 1260.