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**A DIGEST**

**OF THE**

**ACTS OF ASSEMBLY,**

**AND THE**

**ORDINANCES,**

**OF THE**

**COMMISSIONERS AND INHABITANTS**

**OF THE**

**KENSINGTON DISTRICT**

*Of the Northern Liberties:*

FOR THE GOVERNMENT OF THAT DISTRICT.

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the children ; to make all necessary contracts for materials, &c. and in case of the death or resignation of any of the said Commissioners, before the completion of their trust, the electing bodies, within whose jurisdiction the vacancy may occur, shall fill the same, on notice thereof, in manner aforesaid, and each of the said electing bodies shall have power from time to time, and at all times, to remove any of the said Commissioners appointed by such body, and to appoint another person or persons to fill the vacancy or vacancies thus occasioned, *Provided*, That should the said board of guardians deem it necessary, for the better accommodation of the sick, the said Commissioners are hereby authorized to purchase a site and erect an hospital, at some convenient place within the limits of the city of Philadelphia, to the eastward of Eighth street from the river Schuylkill.

**Gunpowder.**

ACTS OF ASSEMBLY.

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Act of March 28, 1787. 2 Smith 401.

An act for securing the City of Philadelphia and the neighbourhood thereof from damage by gunpowder.

1. SECT. II. 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, 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.

2. SECT. IV. 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 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 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 taken 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. [Limits altered, see post 9, 10.]

3. SECT. V. 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 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.— [See post 14, as to quantity to be brought within certain limits.]

4. SECT. VI. 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, without securing it in a good bag or bags, or putting a sheet of canvass 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.— [See post 14, also as to securing when transported in kegs.]

5. SECT. XI. All and singular the fines, penalties and forfeitures mentioned, 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, shall go into the hands of the treasurer 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.

6. SECT. XII. 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, 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, 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.

7. **SECT. XIII.** 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 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.

8. **SECT. XIV.** 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.

**Act of March 14, 1818.**

**A supplement to an act, entitled "An act for securing the city of Philadelphia and the neighbourhood thereof from damage by gunpowder."**

9. **SECT. I.** From and after the first day of May next, it shall not