

GUNPOWDER AND GUN COTTON - PRESERVATION OF LIFE DUE TO EXPLOSION
Act of Mar. 20, 1856, P.L. 137, No. 161
AN ACT

Cl. 11

For the more effectual preservation of life and property from damages by the explosion of gunpowder and gun cotton, in the city of Philadelphia.

Section 1. Storage regulated

It shall not be lawful for any person or persons to have or keep any quantity of gunpowder or gun cotton in any house, store, shop, building, cellar or other place within the City of Philadelphia (except in the public magazines, or in a quantity not exceeding two pounds for private use), unless in the manner hereinafter provided. 1856, March 20, P.L. 137, Sec. 1.

Section 2. Licenses for sale

It shall be lawful for the mayor of the City of Philadelphia to grant licenses under the official seal of said city, to any person or persons desirous to sell gunpowder or gun cotton therein. The persons or persons so licensed may have on their premises a quantity of gunpowder or gun cotton, not exceeding in all twenty-five pounds at any one time. The person or persons so licensed shall not be protected against any of the penalties or consequences hereinafter provided for violations of this act, except while they have, on some conspicuous part of the front of each of the houses or buildings in which they may be licensed to sell gunpowder or gun cotton under this act, a sign, on which shall be distinctly painted, in letters legible to persons passing such houses or buildings, the words, "licensed to sell gunpowder," or "Licensed to sell gun cotton,:" and shall pay into the city treasury the sum of five dollars for said license. 1856, March 20, P.L. 137, Sec. 2.

Section 3. Carriages for powder to have sign

Every carriage used for conveying gunpowder or gun cotton within the City of Philadelphia, in accordance with the provisions of the acts now in force relative thereto, shall, in addition to the requirements therein contained, have painted on each side thereof, in letters distinctly legible to all passers-by, the word "gunpowder," and any failure so to do shall subject the offender or offenders to the penalties herein contained for violations of this act. 1856, March 20, P.L. 137, Sec. 3.

Section 4. In case of violation, powder to be seized

In every case of a violation of any provision of this act, relative to the keeping of gunpowder or gun cotton, or in every case of the violation of any of the provisions of the acts now in force relative to the introduction, into the City of Philadelphia, of gunpowder or gun cotton, it shall be lawful for any of the trustees of the Philadelphia Association for the Relief of Disabled Firemen to seize such gunpowder or gun cotton in the daytime, and to convey, or cause the same to be conveyed, to any magazine used for the storing of gunpowder. 1856, March 20, P.L. 137, Sec. 4.

Section 5. Searches for illegal keeping of powder

Whenever any inhabitant of the said city shall make oath or affirmation, particularly describing as nearly as may be the place to be searched, and the things to be seized, before the mayor, or any alderman, of any fact or circumstance which, in the opinion of the said mayor or alderman, shall afford a probable cause of belief that any gunpowder or gun cotton gas been brought into, or is kept within the said city, or in the harbor thereof, contrary to the provisions of this act, or any of the provisions of the acts now in force relative to the introduction of gunpowder or gun cotton into the City of Philadelphia, it shall be lawful for the said mayor or alderman to issue his warrant or warrants, under his hand and seal, to any sheriff, marshall, constable, or other fit person, commanding him or them to search for such gun powder or gun cotton, in the daytime, wheresoever the same may be in violation of said acts, and to seize and take possession of the same, if found, and to convey, or cause the same to be conveyed forthwith, to any magazine used for storing gunpowder. 1856, March 20, P.L. 137, Sec. 5.

Section 6. Suits for recovery of gunpowder, etc., seized

All actions or suits for the recovery of any gunpowder or gun cotton, which may have been seized and stored in any magazine by virtue of the provisions of this act, or for the value thereof, or for damages sustained by the seizure or detention thereof, shall be brought against the Philadelphia Association for the Relief of Disabled Firemen, and shall be commenced within three calendar months next after such seizure shall have been actually made, and in case no such action or suit shall have been commenced within such period, such gunpowder or gun cotton shall be deemed absolutely forfeited to the said Philadelphia Association for the RELIEF of Disabled Firemen, and may be immediately delivered to the proper officers thereof for its use. No penal damages shall be recovered in any such action or suit; and such gunpowder or gun cotton may at any time during the pendency of any such action or suit, by consent of the parties thereto, be sold, and the money arising from such sale be paid into the court where such suit or action may be pending, to abide the event thereof. 1856, March 20, P.L. 137, Sec. 6.

Section 7. Seizures during fires

If any gunpowder or gun cotton, exceeding the quantity mentioned in this act, shall be found in the possession or custody of any person or persons, in violation of the provisions herein contained, by any fireman of any company belonging to the fire department of the said city, during any fire therein, it shall be lawful for such fireman to seize the same without any warrant, and to immediately convey the same, and report such seizure, to the chief engineer of the fire department, or in his absence the acting assistant engineer; and the said chief engineer or assistant shall convey, or cause it to be conveyed, to any magazine for the storing of gunpowder, there to be detained until it be decided by due course of law, in accordance with the provisions of this act, whether such gunpowder or gun cotton be forfeited. March 20, P.L. 137, Sec. 7.

Section 8. Fines and penalties for illegal keeping of gun powder

Any violation of the provisions of this act relative to the keeping of gunpowder or gun cotton, or of any of the provisions of the acts now in force relative to the introduction of gunpowder or gun cotton into the City of Philadelphia, shall, in addition to the forfeiture of the gunpowder or gun cotton as hereinbefore provided, also subject the offender or offenders to a fine of five hundred dollars for each offense, to be recovered, with costs of suit, in an action of debt, in any court having cognizance thereof, by, to and for the use of the Philadelphia Association for the Relief of Disabled Firemen. gunpowder or gun cotton found within the City of Philadelphia, in violation of the provisions in this act contained, shall be forfeited to the use of the aforesaid Philadelphia Association for the Relief of Disabled Firemen. 1856, March 20, P.L. 137, Sec. 8.

Section 9. Provisions of act extended to saltpetre

All and singular the provisions of this act relative to the recovery of any penalty, and the seizure and forfeiture of gunpowder or gun cotton, be and they are hereby extended to the recovery of any penalty, and the seizure and forfeiture of all saltpetre introduced, stored, deposited or kept in said city, in violation of the acts relative thereto now in force in said city; and the said penalty and forfeiture shall be to and for the use of the aforesaid Philadelphia Association for the Relief of Disabled Firemen, against whom all suits or actions for its recovery shall be brought, in accordance with the provisions of this act. 1856, March 20, P.L. 137, Sec. 9.

Section 10. Suits limited to one year

All actions for any penalty incurred for violation of any of the provisions of this act, or of any of the acts now in force relative to the introducing, keeping, storing or depositing of gunpowder, gun cotton or saltpetre within the city of Philadelphia, shall be commenced within one year next after incurring such penalty. 1856, March 20, P.L. 137, Sec. 10.