

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1710,
and ended February 28th, 1711.

CHARLES GOOKIN, LIEUTENANT GOVERNOR.

1710.

CHAPTER CLXXII.

An ACT that no public house or inn, within this province, be kept without licence.

FOR preventing of disorders, and the mischiefs that may happen by multiplicity of public houses of entertainment, *Be it enacted,* That no person or persons whatsoever within this province, shall hereafter have or keep any public inn, tavern, ale-house, tippling-house or dram-shop, victualling-house or public house of entertainment, in any county of this province, or in the city of Philadelphia, unless such person or persons shall first be recommended by the Justices in the respective County Courts, and the said city, in their Quarter Sessions or Court of Record for the said counties and cities respectively, to the Lieutenant-Governor for the time being, for his licence for so doing, under the penalty of five pounds. And that no person, so licensed as aforesaid, shall knowingly suffer any disorder, as drunkenness, or unlawful games whatsoever, in such his, her or their houses, under the penalty of forty shillings for the first offence; and for the second offence, to be suppressed by the said Justices of the said respective courts: and that no such inn-keeper, taverner, or other person as aforesaid, shall presume to continue such public house of entertainment of his own accord after such suppression, or the expiration of his licence, without new licence as aforesaid, under the penalty of five pounds, one half thereof to the Governor for the time being towards the support of this government, and the other half to the use of the poor of the respective township or city where the offence shall be committed.

No person to keep a public house, &c. without recommendation from the Justices for licences.

Drunkenness and gaming nor to be suffered in public houses.

II. *Provided always,* That nothing herein contained shall extend to debar or hinder the Magistrates of the city of Philadelphia to

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claim, have and enjoy, all such fines, penalties and forfeitures, as shall be due or forfeited in the Quarter Sessions or Court of Record, to be held for the said city, which are granted them by charter.

III. *And be it further enacted*, That all such inn-keepers as aforesaid, shall keep good entertainment for man and horse, under the penalty of forfeiting forty shillings, for the use aforesaid.

IV. *And be it further enacted*, That the Governor shall have and receive, for every licence to be granted by him pursuant to this act, to any person, to sell wine and other liquors in the city of Philadelphia, three pounds; and to sell all other liquors in the said city, except wine, the sum of forty shillings. And for every licence to any person, to sell wine and other liquors in the towns of New-Bristol, Frankford, Germantown, Darby, Chester and Chichester, the sum of forty shillings. And for every licence to sell wine and other liquors in any other part of this province, the sum of thirty shillings, and no more. And the Secretary shall have, for drawing such licence, with the seal, six shillings, and no more.

Passed in 1710.—Recorded A vol. II. page 11. (k)

(k) For the act prescribing that beer and ale shall be sold in taverns, by wine measure, see ante. chap. 138, page 43: and for the act adulterating strong liquors, see ante. chap. 147, page 48.

By an act of the 31st of May, 1718, (post. chap. 235,) the justices in their general sessions, four times a year, in the respective counties, shall have power to set the prices of all liquors retailed in public houses, and provender for horses in public stables, from time to time, as they shall see fit; which shall be proclaimed by the crier, at the close of the sessions, and fixed on the Court house door for public view; and a penalty is prescribed on demanding higher prices.

By a supplement to this act, passed August 26th, 1721, (post. chap. 244,) the first section of which is repealed by an act passed March 28th, 1808, (post. chap. 2988,) no person shall sell liquors by small measure, without licence, nor shall any public house-keeper, give credit for liquors, or tavern reckonings, in any sum exceeding twenty shillings, under the penalty of forfeiting the debt, nor harbour, entertain or trust minors, or servants, or furnish or sell to negro servants, without licence from the master, or mistress, any strong liquors, mixed or unmixed, under certain penalties, to be increased upon repetition of the offence. Tavern keepers suing for a debt, for liquors retailed, or other expenses, above twenty shillings, or arresting any servant for any debt contracted for liquors or accommodations, such suits shall abate, the act may be pleaded in bar, and the plaintiff be non-

suited, and pay double costs. And the fines are appropriated.

By the act of March 19th, 1783, post. chap. 1005,) the licence to keep a public house shall be double the sum for which such licences have been respectively rated by law in the city of Philadelphia; and the several counties of the state, to be received by the clerk of the Court of Quarter Sessions, who shall account for and pay over the same in the manner heretofore directed by law. And the penalty for retailing less than one quart, is fixed at £.10, or imprisonment at hard labour for the space of three months.

By the 14th section of the act of April 13th, 1782, (post. chap. 959,) the secretary of council, (now of the commonwealth,) is required and enjoined once in every month to enter in the comptroller general's office, (now see the act making a new arrangement of the treasury department, passed March 17th, 1809,) all tavern licences, noting how many have been paid for, and the sums so paid; and also what number of blank licences have been granted, not paid for, and to whom granted. And the comptroller shall cause fair entries to be made of all such sums of money so received by the secretary, and also of all such licences as have been so granted to the several Prothonotaries, and have not been paid for and debit the respective Prothonotaries therewith. And the said Prothonotaries at least once in three months shall settle their respective accounts, &c.

And by the "Act to provide for the better collection of the revenue arising from tavern licences," passed April

Inn-keepers
to keep good
entertainment,
&c.

The Govern-
nor's fee.

22d, 1794, (post. chap. 1752,) the clerks of the several Courts of Quarter Sessions, having obtained from the Secretary of the Commonwealth, a competent number of licences, shall, within ten days after each term in their respective counties, deliver to the treasurer of said counties, a number of licences, equal to the number of persons to whom recommendations shall have been granted, together with a list of the names of the persons so recommended, taking receipts for said licences; and also transmit a list of the names to the Secretary of the Commonwealth, and a duplicate thereof to the Register General, (now to the Auditor General; see the act of March, 1809.)

The county treasurers shall deliver them to the persons recommended, on application and payment therefor: and report to the Court, quarterly, the names of delinquents; and indictments shall be preferred against them, &c.

The county treasurers to receive five per cent. for collecting and paying said money; and shall settle their accounts in the same manner as for state taxes.

The clerks of sessions to receive forty cents for reading a petition for a licence; and seventy-five cents for issuing the recommendation, and no more, in full for all services.

And by the "Act to enforce the collection and settlement of tavern licences," &c. passed April 11th, 1807, (post. chap. 2858,) the county treasurers shall annually settle and pay over all the monies received by them on account of tavern licences to the state-treasurer on or before the first Monday in February succeeding the time they become due, under the penalty of five hundred dollars; and on neglect of such settlement and payment, the accounting officers shall forthwith proceed against the delinquent treasurer; and on their neglect to proceed as aforesaid for the space of thirty days after the said first Monday in February, they shall be liable to the whole amount charged against such county treasurer.

The Register General, whose duties are now transferred to the Auditor General by the act of March, 1809, in his annual reports to the legislature shall make a correct statement of the amount of the licence monies due from the respective counties, and the names of the county treasurers, together with the amount of such licence money as has been paid into the treasury for the preceding year.

The Secretary of the Commonwealth to sign all tavern licences, instead of the Governor.

The act of 17th March, 1780, (post. chap. 836,) regulates the fees on tavern licences, but this act is very darkly expressed. 1710.

By the act against vice and immorality, passed April 22d, 1794, (post. chap. 1746,) if any tavern-keeper, public-house-keeper, keeper of a tipping-house, or other retailer of wine, spirituous or other strong drink, shall incite, promote or encourage any games of address, hazard, cock-fighting, bullet playing, or horse-racing, &c. or shall furnish any wine, &c. to any of the persons assembled or attending upon any game of address, &c. or shall permit or allow of any kind of game of address or hazard, playing, betting or gaming for money, or other thing of value whatsoever, either at cards, dice, billiards, bowls, shuffleboard, or any game, device or manner to be practised, played or carried on, within his or her dwelling house, out house, shed or place in his or her occupancy, every such tavern-keeper, &c. legally convicted thereof, shall forfeit and pay, for every such offence, fourteen dollars, and forfeit his licence, during one year thereafter. For the second offence shall pay twenty-eight dollars, and be forever incapable of being a public house-keeper, &c. within this state.

No billiard table, E. O. table, or other device for the purpose of gaming for money, &c. shall be set up, kept or maintained, in any dwelling house, out house, or place occupied by any tavern-keeper, &c. whether such person have a licence, or keep a tipping house, on pain of forfeiting every such billiard table, &c. and twenty-six dollars, on conviction thereof, &c. And on application for a licence, the judges may enquire thereof, and if it does not appear plainly to the judges aforesaid that the applicant hath no such device, &c. the said judges shall not recommend such person for a licence.

The judges of the sessions, at the first sessions in every year, shall limit and declare the number of taverns, and so many only shall be licensed for the year following; having regard to the particular neighbourhoods and situations, most suitable for the accommodation of inhabitants and travellers.

By an act passed April 7th, 1807, (post. chap. 2818,) every stable, and inn-keepers shall have a lien upon any and every horse delivered to them to be kept in their stables, for the expense of their keeping; and particular proceedings are directed for the recovery of such expences by sale.