

A C T S

OF THE

General Assembly of Pennsylvania,

Passed at a Session which commenced October 15th, 1759,
and ended April 21st, 1760.

JAMES HAMILTON, LIEUTENANT GOVERNOR.

1760.

CHAPTER CCCCLIV.

An ACT to enable the owners and possessors of the meadow at Point-no-Point, in the precinct of Richmond, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof.

Passed 12th April, 1760.—Private Act.—Recorded A. vol. IV. page 182.

[The title sufficiently explains the subject matter of this act.]

CHAPTER CCCCLV.

An ACT to enable the owners of Greenwich island to embank and drain the same, to keep the outside banks and dams in good repair for ever, and to raise a fund to defray sundry contingent and yearly expenses accruing thereon.

Passed 12th April, 1760.—Private Act.—Recorded A. vol. IV. page 171.

[The subject matter fully explained by the title.]

CHAPTER CCCCLVI.

An ACT to prevent the hunting of deer, and other wild beasts, beyond the limits of the lands purchased of the Indians by the Proprietaries of this province, and against killing deer out of season.

[WHEREAS many disorderly people have made it a practice of hunting on the lands not yet purchased of the Indians, to their

1760.

Penalty on persons hunting on Indian lands, not purchased by the Proprietaries, &c. [All the land in the State being now purchased of the Indians, this section is obsolete.]

Constables to present offences against this act.

Forfeitures on persons hunting, except in the time limited by this act.

Manner of convicting offenders,

great damage and dissatisfaction, which may be attended with fatal consequences to the peace and welfare of this province, by destroying that union and harmony, which this government has lately restored and concluded with the Indians, at a very great expense: And whereas many of the industrious inhabitants, on the frontiers of this province, are thereby discouraged from returning and settling upon the plantations, which they were obliged to leave and evacuate during the late Indian incursions: Therefore to remedy the great mischiefs which may ensue from the continuance of this evil practice, *Be it enacted*, That if any person or persons whatsoever, either singly, or in companies, after the passing of this act, shall presume to hunt, chase or follow any deer, buck, doe, fawn, or any other wild beast, wild fowl, or game, whatsoever, or shall set traps for beaver, or other beasts, without the limits of the lands purchased of the Indians by the Proprietaries of this province, such person or persons, so offending, and being thereof legally convicted, in any Court of Quarter Sessions of the county where such offender shall be apprehended (in which said court the same offence is hereby made cognizable,) by the oath or affirmation of one or more witnesses, or by the confession of the party, every person, so offending, shall forfeit and pay, for every such offence, the sum of fifty pounds, or suffer twelve months imprisonment, without bail or mainprize; one moiety of the above fine shall be paid to the prosecutor, and the other moiety to the Overseers of the Poor of the township where such offender shall reside, for the use of the poor of the said township, if resident within this province; if otherwise, where he shall be apprehended.]

II. *And be it further enacted*, That the constable of each respective township, in every county of this province, having any knowledge of any offences against this act, shall, and he is hereby required, under the penalty of five pounds, to present, on oath or affirmation, every such offence to some one Justice of the Peace of their respective counties, or before the Justices of the General Quarter Sessions of the Peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeable to the directions of this act.

III. *And be it further enacted*, That if any person or persons shall, after the publication of this act, hunt, chase or follow, with a design to kill, or shall kill or destroy, any buck, doe or fawn, within the lands already, or hereafter to be purchased of the Indians, at any other time or season, excepting only between the first day of the month of August and the first day of the month of January, and shall be lawfully convicted thereof, by the oaths or affirmations of one or more credible witnesses, or the confession of the party, before one or more Justices of the Peace for the respective county, where such offence shall be committed, he or they shall forfeit and pay the sum of three pounds for every such offence, to the uses aforesaid; provided such conviction be made within six months after such offence committed.

IV. *And for the more certain convicting of offenders against this act*, *Be it further enacted*, That every person, in whose custody shall be found, or who shall expose to sale, any green deer skins,

fresh venison, or deer's flesh, at any other time of the year than what is before excepted, such green deer skins, fresh venison, or deer's flesh, shall be deemed and taken as evidence of the guilt of the person, in whose custody the same shall be found. 1760.

V. *Provided always*, That nothing contained in this act shall be deemed or construed to extend to any free native Indians carrying guns, hunting, killing, and having in their custody any skins or deer's flesh for their own use, any thing in this act to the contrary notwithstanding.

VI. And whereas divers abuses, damages and inconveniences, have arisen by persons carrying, guns and presuming to hunt on other people's lands: For remedy whereof, for the future, *Be it enacted*, That if any person or persons shall presume, at any time after the publication of this act, to carry any gun, or hunt on any inclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have licence or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any Justice of the Peace within this province, or by the oath or affirmation of any one or more witnesses, before any Justice of the Peace, he shall, for every such offence, forfeit the sum of forty shillings.

VII. *And be it further enacted*, That no person whatsoever shall presume to shoot at, or kill with a fire-arm, any pidgeon, dove, partridge, or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures, adjoining upon, and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in manner aforesaid.

VIII. *And be it further enacted*, That if any person or persons shall hunt or kill any kind of game on the Sabbath-day, and shall be convicted thereof in manner last aforesaid, every such offender shall forfeit and pay the sum of forty shillings for every such offence.

IX. All which penalties and forfeitures, not herein before appropriated, shall be paid, one moiety thereof to the informer, and the other to the overseers of the poor of the township where such offence is committed, for the use of the poor of the said township; but if convicted upon view of a Justice of the Peace, the whole forfeiture shall be paid to the overseers of the poor of the said township, for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant, under the hand and seal of the Justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress, he shall be committed to prison, where the forfeiture is three pounds, for the space of thirty days; and where the forfeiture is forty shillings, for the space of twenty days, without bail or mainprize; and if such offender be a negro, or mulatto slave, he shall, instead of such imprisonment, be publickly whipped, at the direction of the magistrate, not exceeding

Penalty on persons hunting upon other lands than their own.

No person to shoot pidgeons, &c. in the streets of Philadelphia, &c.

Nor to kill any game on the sabbath-day.

Manner of appropriating forfeitures, &c.

1760. thirty-one lashes, unless the master or mistress of such slave shall pay the fine or fines hereby inflicted.

Repeal of former acts.

*Chap. 246.

†Chap. 323.

‡Chap. 363.

X. *And be it enacted*, That the act entitled *An act to prevent the killing of deer out of season, and against carrying of guns and hunting by persons not qualified*;* and the act, entitled *a supplement to the law, entitled an act to prevent the killing of deer out of season, and against carrying of guns and hunting by persons not qualified*;† and an act, entitled, *An act for amending the laws of this province against killing of deer out of season*,‡ and every article, clause and thing, in the said acts, and each and every of them, contained, shall be and hereby are declared to be repealed, null and void, to all intents and purposes whatsoever.

Passed 9th April, 1760.—Recorded A. vol. IV. page 192.