

1873, P. L. 48; March 27, 1873, P. L. 49; May 19, 1874, P. L. 206; March 4, 1875, P. L. 5; (the two acts of) March 18, 1875, P. L. 28, 29; May 8, 1876, P. L. 140; May 13, 1876, P. L. 172; May 24, 1878, P. L. 131; May 1, 1879, P. L. 40; June 5, 1885, P. L. 78; April 13, 1887, P. L. 22; April 28, 1887, P. L. 72; June 6, 1887, P. L. 359; April 4, 1889, P. L. 23; April 25, 1889, P. L. 52; May 7, 1889, P. L. 102; May 9, 1889, P. L. 146; June 12, 1893, P. L. 461; June 16, 1893, P. L. 464; March 28, 1895, P. L. 31; (the two acts of) May 22, 1895, P. L. 99, 114; May 23, 1895, P. L. 114.

CHAPTER CXCVIII.

AN ACT FOR AMENDING DIVERS LAWS THEREIN MENTIONED.

Forasmuch as the several laws, hereinafter mentioned, want alteration and amendment in some branches thereof:

[Section I.] Be it therefore enacted by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor under William Penn, Esquire, true and absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by authority of the same, That all the courts of common pleas in the respective counties of Philadelphia and Chester shall begin on the day called Wednesday, next after the day appointed by the law entitled "An act to establish courts of judicature in this province,"¹ for the quarter-sessions to begin on, in each of the said counties. And that the courts of quarter-sessions for the county of Bucks, shall begin on the third Tuesday in every of the months called March, June, September and December. And that the courts of common pleas for the said county of Bucks shall be held at Bristol on the third Wednesday in every of the same months, anything in the said act to the contrary notwithstanding; and that two at least of the justices of the court of common pleas for the county of Philadelphia (on the day six weeks next after the first day of the said courts of

¹ Passed February 28, 1710-11, Chapter 168.

common pleas there) shall attend at the place where the said courts are appointed to be held to hear motions, and do and perform all other things which they or any one or more of them, in and by the last mentioned act, is or are empowered and directed to do and perform in the said intermediate, or six weeks courts. And that no rules shall be made or days given for pleas, replications, or other pleadings, to any other time or place between the said quarterly courts of common pleas, save only to the said intermediate courts, any practice, rules or usage to the contrary notwithstanding.

[Section II.] And be it further enacted, That when judgment is obtained against any person for debt, pursuant to a law of this province entitled "An act for determining of debts under forty shillings,"¹ execution shall be awarded against the body and effects of the defendant. But if he produce the effects sufficient to discharge such execution, his body shall not be held any longer; but for want of such effects, the sheriff or keeper of the gaol, shall receive such defendant, and him safely keep till the money be paid, or satisfaction made by goods or otherwise. And that no debt or demand under forty shillings shall be determined any other way, than the said act directs, any law or usage to the contrary notwithstanding.

[Section III.] And be it further enacted, That any person being convicted of felony, pursuant to a law of this province entitled "An act against robbing and stealing,"² shall be forthwith committed to gaol until he satisfy the judgment of the court.

[Section IV.] And be it further enacted, That all persons drawing their carts, wains, and traveling wagons, with their beasts, within the city of Philadelphia, otherwise than as by a law of this province entitled "An additional act for preserving the highways,"³ is appointed, shall be liable to the penalty of forty shillings, as in the said act mentioned.

And whereas by a law of this province, entitled "An act for ascertaining the dimensions of cask, and for the true packing

¹ Passed January 12, 1705-6, Chapter 130.

² Passed January 12, 1705-6, Chapter 118.

³ Passed January 12, 1705-6, Chapter 156.

of meat for transportation,"¹ it is provided, That any person may make cask as much less as they please to suit any market, by means whereof such opportunity of fraud may be taken as would prove greatly injurious to the trade of this place: for prevention whereof:

[Section V.] Be it enacted, That no person whatsoever shall presume to make or use any cask to contain any beef, pork, beer or cider for exportation, but of the express dimensions set forth in the said law respectively, under the several penalties mentioned in the same.

[Section VI.] And be it further enacted, That all salt imported and sold in this province, shall be delivered from the vessel importing the same, by lawful sealed measure, to be found by such officer as the respective justices of the city or place where such salt is imported, shall, from time to time, appoint to measure such salt, who shall strike all that he shall so measure with a round strike, for which he shall receive and take after the rate of twenty pence for every one hundred bushels, and no more, to be paid in equal proportions between the buyer and seller thereof. And that the said officer is hereby empowered and required to measure by a straight strike all wheat imported by water into any part of this province, if thereto requested by the buyer or importer of such wheat, for which the person so requesting shall pay sixteen pence for every hundred bushels thereof, and no more.

[Section VII.] And be it further enacted, That all goats that run at large, within the limits of the city of Philadelphia, shall be liable to be taken up and forfeited in the same manner as swine are liable, in the said city, by a law of this province entitled "An act to prevent swine running at large."²

[Section VIII.] And be it further enacted, That all fences shall be esteemed lawful or sufficient though they be not close at the bottom, so that the distance from the ground to the bottom thereof exceed not nine inches, and that they be in all other respects according to the law of this province entitled "Act for regulating and maintaining of fences."³

¹ Passed November 27, 1700, Chapter 80.

² Passed January 12, 1705-6, Chapter 158.

³ Passed November 27, 1700, Chapter 56.

[Section IX.] And be it further enacted, That if any person or persons do at any time hereafter set on fire any woods, lands, marshes or cripples though within the time limited by a law of this province entitled "An act against unseasonable firing the woods,"¹ within one mile of any fences or buildings, without giving notice to the possessor of such improvements at least twenty-four hours before he so do, he or they shall pay all damages that shall thereby happen to any such buildings or fences.

[Section X.] And be it further enacted, That the overseers of the highways for the respective townships of this province shall, by virtue of their office, without any further or other warrant, twice in every year, to wit, once in the springtime and once in the fall, or oftener if there be real need, summon the inhabitants of their respective districts to meet with necessary tools and work at the repairing of all lawful and public highways therein, in such manner and under such penalties as the law entitled "An act for erecting of bridges and maintaining highways,"² does direct and appoint, and that the said overseers shall have full power when and where there may be occasion to cause those that have teams to bring them with carts and tools to work at the repairing of the said highways, and that one day with a team shall go in lieu of three days' work without a team, and the owner of such team shall be accordingly excused.

[Section XI.] And be it further enacted, That nothing herein contained shall be construed, deemed or taken to discontinue or determine any of the above-mentioned acts or laws of this province or any article, clause or thing therein contained, or shall alter or avoid the same or any part thereof (except only such part and parts of the said laws touching which other provisions or alterations are made by this act), but that the said several acts hereinbefore mentioned, and all the powers, provisions, penalties, articles, clauses, matters and things therein contained (except before excepted) shall continue and be in full force and shall be observed and put in execution as fully,

¹ Passed November 27, 1700, Chapter 59.

² Passed November 27, 1700, Chapter 57.

to all intents and purposes, as if all and every the clauses, matters and things therein contained had been repeated and again enacted in the body of this present act.

Passed March 27, 1712-13. Repealed by the Lords Justices in Council, July 21, 1719. See Appendix IV, Section II. This repeal is apparently inoperative, as the act had become a law by lapse of time. As to Section I, see Act of Assembly passed February 23, 1710-11, Chapter 168. As to Section II, see Act of Assembly passed May 28, 1715, Chapter 211. As to Section III, see Act of Assembly passed May 31, 1718, Chapter 236. As to Section IV, see Acts of Assembly passed May 13, 1765, Chapter 526; September 29, 1770, Chapter 614; March 9, 1771, Chapter 624; March 21, 1772, Chapter 653; September 30, 1779, Chapter 850; April 13, 1782, Chapter 976; September 29, 1787, Chapter 1320; December 4, 1789, Chapter 1471; April 5, 1797, Chapter 1953; March 1, 1800, Chapter 2114. As to Section V, see note to act of Assembly passed November 27, 1700, Chapter 80. As to Section VI, see Acts of Assembly passed September 22, 1785, Chapter 1193; March 27, 1821, P. L. 133; April 2, 1822, P. L. 126; June 16, 1836, P. L. 682; April 12, 1842, P. L. 262; May 23, 1874, P. L. 230. As to Section VII, see note to Act of Assembly passed January 12, 1705-6, Chapter 158. As to Section VIII, see note to Act of Assembly passed November 27, 1700, Chapter 56. As to Section IX, see note to Act of Assembly passed November 27, 1700, Chapter 59. As to Section X, see note to Act of Assembly passed November 27, 1700, Chapter 57.

CHAPTER CXCLX.

AN ACT FOR THE LAYING A DUTY OR EXCISE UPON SUNDRY LIQUORS, AND ALSO UPON HOPS, TO ANSWER SEVERAL EXIGENCIES OF THIS GOVERNMENT.

For the more speedy discharging of sundry debts and answering several other exigencies of this government:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor under William Penn, Esquire, true and absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That