

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1720, and continued by adjournments until the twenty-sixth day of August, 1721, the following acts were passed:

CHAPTER CXXIV.

A SUPPLEMENTARY ACT TO A LAW OF THIS PROVINCE, ENTITLED "AN ACT THAT NO PUBLIC HOUSE OR INN, WITHIN THIS PROVINCE, BE KEPT WITHOUT LICENSE."

Whereas divers persons within this province, under color of retailing rum and other strong liquors without doors, for the conveniency and supply of the inhabitants and their families, and for that end, having obtained permits from the collector of the excise, do sell, in or about their houses, drams and strong liquors by small measures, as well to servants as others, contrary to the true intent and meaning of [the laws of] this province. And whereas divers innholders or tavern-keepers do frequently entertain and suffer minors and servants to be tippling in their houses; all of which being to the great damage of the inhabitants, and manifestly tending to the corrupting of youth and promoting vice and immorality, for preventing thereof:

[Section I.] Be it enacted by Sir William Keith, Bart., Governor 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 no recommendation shall be issued by the justices of the respective counties [of this province,] or [the] city [of Philadelphia,] in order to obtain license from the governor, for the keeping any tavern or public house, as directed by an act of this province, entitled "An act that no public house or inn, within this province, be kept without license,"¹ before the person or persons, desiring such recommendation, shall become bound in the

¹ Passed February 28, 1710-11, Chapter 172.

prothonotary's office unto the governor for the time being, with security, if required, in any sum not exceeding one hundred pounds, that he or she, on obtaining such license, shall at all times be of good behavior, and observe all the laws and ordinances which are and shall be made relating to inn-keepers or taverners within this province.

And whosoever shall keep a tavern, inn or public house of entertainment, before he or she hath given bond as aforesaid, such person shall suffer the same penalty as if the same had been done without license.

[Section II.] An be it further enacted by the authority aforesaid, That no person or persons, within this province, other than such who are or shall be qualified so to do by the above-recited law, shall presume, by virtue of any permit from the collector of the excise, or under any other color or pretense whatsoever, to sell, barter with, or deliver any wine, rum, brandy or other spirits, beer, cider, or any mixed or strong liquors, which shall be used or drank within their houses, yards, or sheds, or which shall be, with their knowledge, privity or consent, used or drank in any shelters, places or woods, near or adjacent to them, by companies of negroes, servants or others; or to retail or sell, to any person or persons whatsoever, any rum, brandy or other spirits, by less quantity or measure than one quart; nor any wine, by any less quantity than one gallon; nor any beer, ale or cider, by any less quantity than two gallons; and the same liquors respectively delivered to one person, and at one time, without any collusion or fraud, contrary to the true intent and meaning of this act, under the same penalty mentioned in the said recited act for keeping public house or selling liquors without license.

[Section III.] And be it further enacted by the authority aforesaid, That no person or persons, keeping a public house or inn, shall trust or give credit to any person whatsoever, for liquors, or any other inn or tavern reckonings, in any sum exceeding twenty shillings, under the penalty of [forfeiting] and losing any such debt.

And if any innholder or keeper of a public house, or any retailers of liquors within this province, shall receive, harbor,

entertain or trust any minor, under the age of twenty-one years, or any servant, knowing them to be such, or after having been cautioned or warned to the contrary by the parent, guardian, master or mistress, of such minor or servant, in the presence of one or more credible witness or witnesses, such innholder, keeper of public house, or retailers of liquors, so offending, shall, for the first or second offense, being duly convicted thereof, forfeit and pay the sum of twenty shillings for every such offense, over and above the loss and forfeiture of any debt such minor or servant shall or may contract for liquors or entertainment; and upon conviction for the third offense, the license obtained by such offender is hereby declared null and void, and the person, so repeatedly offending, shall forfeit and pay the sum of five pounds, and be forever incapable of keeping a public house or inn within this province.

[Section IV.] And be it further enacted by the authority aforesaid, That no person whatsoever, within this province, shall presume by any means to furnish, supply or sell to any negro or Indian servants, any rum, brandy, spirits, or any other strong liquors whatsoever, mixed or unmixed, either within or without doors, or shall receive, harbor or entertain any negro or Indian servant, in or about their houses, without special license had and obtained, under the hand of the master or mistress of such negro or Indian servant respectively, under the penalty of forfeiting and paying, for the first offense, twenty shillings, and for the second and every offense after, thirty shillings; to be recovered before any one justice of the peace of the county where the offense is committed, upon proof of one or more credible witness or witnesses, or upon the view of any magistrate within the respective counties of this province where the fact shall be committed.

[Section V.] And be it further enacted by the authority aforesaid, That if any person or persons, keeping a public house or inn, or retailing liquors as aforesaid, in this province, shall trust or credit any person for liquors retailed, or other expenses, above twenty shillings as aforesaid, or shall presume to sue any such person, or shall arrest or attach any servant for any debt contracted for liquors or accommodations, know-

ing such person to be a servant, and after they have been warned or cautioned not to entertain such servant as aforesaid, all such actions and suits shall abate, and the person sued and the master or mistress, in behalf of such servant, or the said servants themselves, being sued as aforesaid, shall and may plead this act in bar; and the plaintiff in such suit shall become non-suit, and pay double charges.

[Section VI.] And be it further enacted, That the several fines imposed by this act shall be levied by execution on the offender's goods, or his or her person be committed to the county gaol, until the same be paid, upon conviction of the party before the mayor or recorder of the city of Philadelphia, for offenses against this act committed in the city of Philadelphia; and before any one or more of the magistrates of the county, for offenses committed in the respective counties. And that all fines and forfeitures recovered by virtue of this act, which are not otherwise appropriated by any former act, shall be applied in manner following: (That is to say) the one moiety shall be paid to the father, mother, guardian, master or mistress of the minor or servant entertained as aforesaid, or to the said servant, as the magistrate shall direct; and the other moiety shall be paid unto the overseers of the poor of the city or county where the offense is committed, for the use of the poor of the said city or county.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the note to Act of Assembly passed February 28, 1710-11, Chapter 172.