

## CHAPTER CCXLV.

## AN ACT FOR PREVENTING ACCIDENTS THAT MAY HAPPEN BY FIRE.

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the [sic] 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 if any master or other person whatsoever, shall breame any ship, sloop or other vessel, with blazing fire, or cause the same to be done in any of the docks, or at any of the wharves, within the limits of the city of Philadelphia, except in such place or places as shall from time to time be appointed for that service by the mayor and commonalty of the said city; and if any master, or other person whatsoever, shall heat, or cause to be heated, with blazing fire, any pitch, tar, turpentine, rosin, oil, tallow, or any sulphurous matter, for the use of any ship or vessel, other than such as shall be on the stocks, except in such places as shall be from time to time appointed as aforesaid, every such master, or other person whatsoever, doing or causing the same to be done, being convict thereof, by one or more credible witnesses, before the mayor and recorder, or any two magistrates of the said city, shall forfeit and pay the sum of five pounds for every such offense, together with costs of prosecution; one-half whereof for the use of the person or persons who shall sue or prosecute for the same, and the other half to be paid to the city treasurer for the use of the said city.

[Section II.] And be it further enacted, That if any master, or other person whatsoever, shall suffer any fire to be kept (candle excepted) after the hour of eight in the evening, on board any ship or other vessel, lying in any of the docks, or at any of the wharves aforesaid, or in the road before the said city, being convict thereof as aforesaid, shall, for every such offense, forfeit and pay the sum of ten shillings, for the uses aforesaid.

Provided always, That it shall and may be lawful for the

mayor of the city of Philadelphia, for the time being, by license under his hand, to permit the master of any vessel, lying in the road of Philadelphia aforesaid, to use fire on board [such] ship or vessel after the hour of eight aforesaid, in case of sickness, or any other extraordinary occasion, anything in this act to the contrary notwithstanding.

[Section III.] And be it further enacted, That if any person or persons within the city of Philadelphia, or towns of Chester, Bristol, Germantown, Darby or Chichester, shall set on fire their chimneys to cleanse them, or shall suffer them or any of them to take fire and blaze out at the top, and be duly convicted thereof, by one credible witness, before any one justice of the peace of the said city or counties, such person or persons shall forfeit and pay for every such offense twenty shillings, for the use of the said city or towns respectively, where such offense shall happen. And the first paragraph of an act of assembly of this province, imposing a fine of forty shillings upon every person that shall fire or suffer their chimneys to be fired, shall and is hereby declared to be repealed and made void.

And whereas much mischief may happen by shooting of guns, throwing, casting and firing of squibs, serpents, rockets and other fireworks, within the city of Philadelphia, if not speedily prevented;

[Section IV.] Be it therefore enacted by the authority aforesaid, That if any person or persons, of what sex, age, degree or quality soever, from and after publication hereof, shall fire any gun or other firearms, or shall make or cause to be made, or sell, or utter, or offer to expose to sale, any squibs, rockets or other fireworks, or shall cast, throw or fire any squibs, rockets or other fireworks, within the city of Philadelphia, without the governor's special license for the same, of which license due notice [shall] first be given to the mayor of the said city, such person or persons so offending, and being thereof convicted before any one justice of the peace of the said city, either by confession of the party so offending, or by the view of any of the said justices, or by the oath or affirmation of one or more witnesses, shall, for every such offense, forfeit and pay the sum of

five shillings, one-half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute and cause such offender to be as aforesaid convicted: which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison for every such offense the space of two days, without bail or mainprise.

Provided, That such conviction be made within ten days after such offense committed. And if such offender be a negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the magistrate.

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 Acts of Assembly passed August 14, 1725, Chapter 287; February 6, 1730-31, Chapter 322; March 29, 1735-36, Chapter 338; February 9, 1750-51, Chapter 388; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; March 21, 1772, Chapter 648; December 24, 1774, Chapter 705; November 25, 1779, Chapter 867; March 28, 1787, Chapter 1279; September 29, 1787, Chapter 1318; April 13, 1791, Chapter 1573; April 11, 1793, Chapter 1698; April 18, 1794, Chapter 1743; April 18, 1795, Chapter 1857; March 29, 1802, P. L. 127; March 29, 1803, P. L. 542; April 4, 1807, P. L. 132; March 30, 1812, P. L. 182; March 14, 1818, P. L. 189; March 29, 1824, P. L. 152; February 10, 1832, P. L. 64; June 13, 1836, P. L. 551; March 16, 1847, P. L. 473; April 11, 1848, P. L. 504; April 8, 1851, P. L. 382; April 14, 1851, P. L. 549; March 20, 1856, P. L. 137; May 5, 1864, P. L. 841; March 23, 1865, P. L. 744; March 12, 1866, P. L. 160; June 2, 1870, P. L. 1319; April 17, 1878, P. L. 23; June 10, 1881, P. L. 111; June 11, 1885, P. L. 111.

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## CHAPTER CCXLVI.

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AN ACT TO PREVENT THE KILLING OF DEER OUT OF SEASON, AND AGAINST CARRYING OF GUNS OR HUNTING BY PERSONS NOT QUALIFIED.

[Section I.] Be it enacted by Sir William Keith, Baronet, 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 if