

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1729, and continued by adjournments to the fifteenth day of August, 1730, the following acts were passed:

CHAPTER CCCVIII.

AN ACT FOR REGULATING PEDDLERS, VENDUES, &c.

Whereas of late many idle and vagrant persons are come into this province, and under pretense of being hawkers or peddlers and carrying goods from house to house within this province to sell have greatly imposed upon many people as well in the quality as in the price of the goods, and under color of selling their wares and merchandises have entered into the houses of many honest and sober people in the absence of the owner or owners of the said houses and committed felonies and other misdemeanors, to the great prejudice of the inhabitants of this province:

For remedying of which inconveniencies and preventing such evil practices, and to the intent that no persons may be admitted to follow the business of hawkers or peddlers within this province but persons of known honesty and civil behavior:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the representatives of the freemen of the Province aforesaid in General Assembly met, and by the authority of the same, That after the twenty-fifth day of March next no person or persons whatsoever shall follow or employ him, her or themselves in the business or employment of a hawker, peddler or petty-chapman, or in going from town to town or to other men's houses, and traveling with horse or horses, ass or asses, mule or mules, or otherwise, within the province of Pennsylvania (except as hereinafter is excepted), or carry to sell or expose to sale any goods, wares or merchandises within the province aforesaid, until such person

or persons shall have obtained a recommendation from the justices of the county court where he or she dwells certifying their opinion of the honesty of the person recommended and that he or she is a liver within this province, and intends to travel with one, two or more horse or horses or other beasts of burden or on foot, and shall thereupon have obtained a license from the governor and shall have given bond in the prothonotary's office of the said county court in His Majesty's name, with one surety at least, in any sum not exceeding forty pounds, conditioned that such person or persons shall be of good behavior during the continuance of the said license, and shall well and duly satisfy and pay all such taxes and duties as shall be legally assessed upon him, her or them within the said county where he, she or they shall obtain the said recommendation; for which license there shall be paid to the governor the sum of twenty-five shillings by every person obtaining a license to travel with a horse, ass, mule or other beast of burden, and the sum of fifteen shillings for every person licensed to travel on foot.

And if any person or persons, not being qualified as aforesaid, shall be found hawking, peddling or traveling from house to house to sell goods as a hawker, peddler or petty-chapman, he or she so offending, if traveling with one or more horses, shall forfeit the sum of fifteen pounds, and if traveling on foot, shall forfeit the sum of ten pounds, one moiety thereof to the governor for the support of government, and the other moiety to any person who will sue for the same by any action of debt, bill, plaint or information in any court of record within this province, wherein no essoin, protection or wager of law nor more than one imparlance shall be allowed; and that every person so trading, who, upon demand made by any justice of the peace, mayor, constable or other officer of the peace of any town, place or county within this province where he or she shall so trade, shall refuse to produce and show unto such justice or officer of the peace his or her license for so trading, to be granted as aforesaid, that then the person so refusing shall forfeit forty shillings, to be recovered in manner aforesaid, and for non-payment thereof shall suffer as a common vagrant.

[Section II.] Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any person or persons from selling or exposing to sale any sort of goods or merchandises in any public market or fair within this province, or to hinder any persons from carrying about from town to town and from house to house any goods, wares or merchandises, being of the growth, product or manufacture of this province, but that such person or persons may do therein as they lawfully might have done before the making of this act, anything herein contained to the contrary notwithstanding.

[Section III.] And be it hereby further enacted, That if any dispute shall happen to arise concerning the said goods, wares or merchandises, the person or persons so carrying about or exposing the same to sale in manner aforesaid shall be obliged to declare upon oath or affirmation, before any justice of the peace or other magistrate of the county, town or place where he, she or they shall carry about or offer the same to sale, whether such goods, wares or merchandises be of the growth, product or manufacture of this province.

And whereas sundry persons for lucre of gain and in contempt of the laws of this province and the ordinances and good rules of the city of Philadelphia, have taken upon themselves to set up lotteries and also to sell and retail goods, wares and merchandises by small parcels by way of vendue at unseasonable times in the public streets of the said city of Philadelphia, in deceit of the buyers and to the great annoyance of its inhabitants by reason of the many idle and disorderly persons assembling themselves together in the night-time in the open streets at the said vendues or public sales: For the redressing of which abuses and the preservation of the peace within the said city and to prevent the many impositions which attend such practices:

[Section IV.] Be it enacted by the authority aforesaid, That if any person or persons shall presume or take upon him, her or themselves from and after the publication of this act, upon any pretense whatsoever, privately or publicly to set up, exercise or keep any lottery or lotteries within the province of

Pennsylvania and be thereof legally convict, he, she or they shall forfeit for every such offense the sum of one hundred pounds, one moiety thereof to the governor, and the other moiety to any person that shall sue for the same.

[Section V.] And be it hereby further enacted, That no person or persons whatsoever (except as hereinafter is excepted) shall after the publication of this act take upon him, her or themselves to sell or expose to sale by way of vendue or auction any wares, goods or merchandises within the city of Philadelphia unless such person or persons shall first be recommended by the mayor, recorder and aldermen of the said city of Philadelphia (in their open sessions) to the governor of this province, and shall have given security to the mayor of the said city for the time being for the use of the corporation in such sum as shall be agreed upon by the said mayor, recorder and aldermen, provided the same do not exceed the sum of five hundred pounds, for his or their honest and due execution of the office of vendue-master within the city of Philadelphia and for the due observation of the ordinances of the said city touching the regulating vendues or public sales or auctions within the same, and shall thereupon obtain the governor's license or commission according to the tenor of and for the time limited in the said recommendation for executing the said office of vendue-master. And there shall at all times hereafter be authorized and appointed in the city of Philadelphia a proper person qualified for executing the said office of vendue-master pursuant to the directions of this act. And if any person or persons shall be found selling or disposing of any goods, wares or merchandises within the city of Philadelphia aforesaid (excepting as hereinafter is excepted) by way of vendue or auction without being recommended and having given security as aforesaid, such person or persons so offending and being thereof legally convict shall for every such offense forfeit the sum of fifty pounds to the use of the corporation of the city of Philadelphia; and, moreover, it shall and may be lawful for the mayor, recorder or any of the aldermen of the said city, upon his or their own view or upon the testimony and information of one credible witness to them or any one of them given of any persons selling

any goods, wares or merchandises by way of vendue or auction as aforesaid (except as in this act is excepted) within the said city without such recommendation and bond given as aforesaid, to cause such person or persons so offending to be apprehended, and may oblige him, her or them to find sureties for his, her or their good behavior and appearance at the next court of quarter-sessions of the peace to be held before the mayor, recorder and aldermen of the said city. And it is further declared, that if the party so bound over shall, during the continuance of his, her or their recognizances, presume again to sell or expose to sale by way of vendue as aforesaid any wares and merchandises within the said city without being recommended and having given bond as aforesaid, such selling or exposing to sale shall be deemed and is hereby declared to be a breach of the good behavior.

[Section VI.] Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any sheriff, constable or other officer to sell and dispose of by way of vendue any goods, wares or merchandises taken in execution and liable to be sold by order of law, or to hinder any person or persons from selling or exposing to sale by public vendue or otherwise any goods or chattels of any kind whatsoever taken and distrained for rent being in arrear, or to prohibit any lawful executor or executors, administrator or administrators, to expose to sale by way of public auction, vendue or otherwise any goods or chattels which were of their respective testator or intestates, but that all and every such person or persons may do therein as they might have done before the making of this act, anything herein contained to the contrary notwithstanding.

Passed February 14, 1729-30. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I. As to Sections I and III, see the Acts of Assembly passed January 22, 1774, Chapter 695; February 18, 1777, Chapter 743; June 19, 1777, Chapter 761; April 1, 1778, Chapter 797; November 26, 1779, Chapter 870; March 2, 1780, Chapter 883; September 23, 1780, Chapter 919; April 13, 1782, Chapter 975; December 9, 1783, Chapter 1063; March 30, 1784, Chapter 1090; March 18, 1789, Chap-

ter 1398; April 20, 1795, Chapter 1863; March 28, 1799, Chapter 2038; March 28, 1814, P. L. 352; March 24, 1818, P. L. 302; February 6, 1830, P. L. 39; April 2, 1830, P. L. 147; March 31, 1836, P. L. 297; April 16, 1840, P. L. 433; May 5, 1841, P. L. 342; August 2, 1842, P. L. 458; April 17, 1846, P. L. 364; March 8, 1847, P. L. 256; March 27, 1848, P. L. 270; April 9, 1849, P. L. 508; April 10, 1849, P. L. 619; April 16, 1849, P. L. 663; April 6, 1850, P. L. 373; April 25, 1850, P. L. 569; April 30, 1850, P. L. 634; May 3, 1850, P. L. 655; April 3, 1851, P. L. 320; (the two acts of) April 12, 1851, P. L. 440, 483; April 14, 1851, P. L. 569; April 15, 1851, P. L. 645; April 1, 1852, P. L. 235; April 8, 1852, P. L. 296; April 21, 1852, P. L. 386; (the two acts of) April 26, 1852, P. L. 431, 438; April 27, 1852, P. L. 467; May 1, 1852, P. L. 500; (the two acts of) May 4, 1852, P. L. 576, 596; March 26, 1853, P. L. 242; April 14, 1853, P. L. 422; April 15, 1853, P. L. 451; April 18, 1853, P. L. 542; May 2, 1853, P. L. 667; February 27, 1854, P. L. 122; April 13, 1854, P. L. 328; April 20, 1854, P. L. 418; March 29, 1855, P. L. 148; (the two acts of) April 5, 1855, P. L. 164, 174; April 27, 1855, P. L. 364; (the two acts of) May 7, 1855, P. L. 483, 486; March 25, 1856, P. L. 173; April 9, 1856, P. L. 278; April 18, 1856, P. L. 413; April 19, 1856, P. L. 464; April 8, 1857, P. L. 177; April 24, 1857, P. L. 301; May 16, 1857, P. L. 537; February 27, 1858, P. L. 61; March 15, 1859, P. L. 134; April 8, 1859, P. L. 428; February 15, 1860, P. L. 59; February 27, 1860, P. L. 90; February 28, 1860, P. L. 92; March 20, 1860, P. L. 203; March 30, 1860, P. L. 359; April 2, 1860, P. L. 524; April 14, 1860, P. L. 715; March 21, 1861, P. L. 171; March 22, 1861, P. L. 182; April 8, 1861, P. L. 253; (the two acts of) May 1, 1861, P. L. 443, 529; March 17, 1862, P. L. 129; March 22, 1862, P. L. 161; April 8, 1862, P. L. 314; April 14, 1863, P. L. 431; March 31, 1864, P. L. 166; April 9, 1864, P. L. 375; April 11, 1866, P. L. 668; May 10, 1866, P. L. 1082; May 18, 1866, P. L. 1097; (the two acts of) March 2, 1867, P. L. 348, 349; March 14, 1867, P. L. 459; March 16, 1867, P. L. 486; March 20, 1867, P. L. 503; March 29, 1867, P. L. 609; April 8, 1867, P. L. 50; (the three acts of) April 10, 1867, P. L. 1016, 1093, 1096; April 12, 1867, P. L. 1200; April 15, 1867, P. L. 1251; February 21, 1868, P. L. 106; March 26, 1868, P. L. 491; March 31, 1868, P. L. 531; April 10, 1868, P. L. 79; April 11, 1868, P. L. 812; (the three acts of) April 13, 1868, P. L. 905, 929, 932; (the two acts of) March 12, 1869, P. L. 331, 341; April 3, 1869, P. L. 703; April 10, 1869, P. L. 835; April 12, 1869, P. L. 867; (the two acts of) April 13, 1869, P. L. 890, 906; (the three acts of) April 17, 1869, P. L. 1127, 1139, 1180; May 8, 1869, P. L. 1259; February 23, 1870, P. L. 214; March 11, 1870, P. L. 382; March 14, 1870, P. L. 426; March 17, 1870, P. L. 475; March 28, 1870, P. L. 608; April 4, 1870, P. L. 833; April 18, 1870, P. L. 1233; March 15, 1871, P. L. 397; May 3, 1871, P. L. 516; May 10, 1871, P. L. 678; May 12, 1871, P. L. 778; May 24, 1871, P. L. 1116; April 9, 1872, P. L. 999; March 13, 1873, P. L. 285; March 14, 1873, P. L. 297; April 10, 1873, P. L. 635; (the two acts of) April 12, 1878, P. L. 15, 16; June 10, 1881, P. L. 109; May 23, 1887, P. L. 173; May 9, 1889, P. L. 150; April 15, 1891, P. L. 17; May 23, 1891, P. L. 111; June 9, 1891, P. L. 250.

As to Section IV, see the Acts of Assembly passed June 20, 1759, Chapter 446; (repealed by act of) February 17, 1762, Chapter 478.

As to Sections V and VI, see the Acts of Assembly passed January 22, 1774, Chapter 695; June 19, 1777, Chapter 761; November 26, 1779, Chapter 870; March 2, 1780, Chapter 883; September 23, 1780, Chapter 919; April 13, 1782, Chapter 975; December 9, 1783, Chapter 1063; March 19, 1789, Chapter 1400; March 27, 1790, Chapter 1494; February 26, 1791, Chapter 1529; April 10, 1799, Chapter 2073; January 25, 1816, P. L. 11; January 14, 1817, P. L. 17; March 20, 1818, P. L. 206; April 2, 1821, P. L. 259; April 2, 1822, P. L. 218; March 29, 1824, P. L. 169; April 1, 1826, P. L. 163; April 8, 1842, P. L. 256; March 3, 1843, P. L. 26; February 24, 1847, P. L. 164; April 9, 1859, P. L. 435; April 27, 1864, P. L. 639; May 19, 1871, P. L. 270; March 25, 1873, P. L. 405; June 26, 1873, P. L. (1874) 332; June 13, 1874, P. L. 283.

CHAPTER CCCIX.

AN ACT FOR THE BETTER ENABLING DIVERS INHABITANTS OF THE PROVINCE OF PENNSYLVANIA TO HOLD LANDS, AND TO INVEST THEM WITH THE PRIVILEGES OF NATURAL-BORN SUBJECTS OF THE SAID PROVINCE.¹

Whereas by the encouragement given by the Honorable William Penn, Esquire, late proprietary and governor of the province of Pennsylvania, and by the permission of his late Majesty, King George the First, of blessed memory, and his predecessors, Kings and Queens of England, &c., divers Protestants who were subjects to the Emperor of Germany, a prince in amity with the Crown of Great Britain, transported themselves and estates into the province of Pennsylvania between the years one thousand seven hundred and one thousand seven hundred and eighteen, and since they came hither have contributed very much to the enlargement of the British Empire and to the raising and improving sundry commodities fit for the markets of Europe, and have always behaved themselves religiously and peaceably, and have paid a due regard and obedience to the laws and government of this province.

¹The commissioners are aware that numerous inaccuracies of spelling in the names in this and other similar acts, most of which are purely phonetic, occur. But after consultation with several experts in such matters they deem it wise to adhere strictly to the text of the original roll, without attempting to suggest any corrections.