

Provided always, and it is hereby declared to be the true intent and meaning of these presents, That no part of the said ground lying to the southward of the State House as it is now built be converted into or made use of for erecting any sort of buildings thereupon, but that the said ground shall be enclosed and remain a public open green and walks forever.

And on this further trust and confidence and to this further intent and purpose that they the said John Kinsey, Joseph Kirkbride, Junior, Caleb Cowpland, Thomas Edwards and the survivors and survivor of them and the heirs of such survivor shall from time to time and at all times hereafter permit and suffer such suit or suits, action or actions to be commenced and prosecuted in his or their name or names, and to make such conveyance or conveyances of the lands, tenements and hereditaments or any part or parcel thereof to the uses aforesaid as the representatives aforesaid in general assembly met shall at any time or times hereafter direct and appoint, so always that they the said John Kinsey, Joseph Kirkbride, Junior, Caleb Cowpland and Thomas Edwards and their heirs, executors and administrators and every of them be well and truly indemnified, saved and kept harmless of and from any costs, charges, troubles or molestations whatsoever which may arise or happen for or by reason of such suit or suits, conveyance or conveyances so to be commenced, prosecuted, made and executed.

Passed February 20, 1735-36. See Appendix XII, Section I. Repealed by the Act of Assembly passed February 17, 1762, Chapter 477.

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## CHAPTER CCOXLIV.

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### AN ACT FOR REGULATING RETAILERS OF LIQUORS NEAR THE IRON WORKS.

Whereas the erecting of furnaces for running and melting iron ore hath proved successful and advantageous to the trade of this province in general and if duly encouraged and im-

proved will render our commerce with Great Britain of esteem there and our remittances more easy and beneficial to the inhabitants here than the methods heretofore used. And whereas the act against selling rum and other liquors near those furnaces hath been found useful and necessary to prevent many inconveniencies detrimental and injurious to the said works, but the said act is now expired:

To the end, therefore, that the said inconveniencies may be still prevented and all due encouragement given to the undertakers of the said works:

[Section I.] Be it enacted by Patrick Gordon, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex on Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That no person or persons whatsoever from and after the publication of this act shall within the distance of three miles to any furnace now erected or hereafter to be erected within the said province keep a public house, sell by permit or otherwise dispose of any wine, rum, brandy or other liquors (except he or they shall be specially recommended for a license or permit to the justices of the county where such furnace is by a majority of the owners of such iron works near which he or they are desirous of keeping a public house or selling rum, wine, brandy or other liquors), under the penalty of forty shillings for every such offense, being thereof convicted by his or their own confession or by the oath or solemn affirmation of two or more credible witnesses before any justice of the peace of the county where such offense is committed, to be levied by distress and sale of the offender's goods by warrant under the hand and seal of the said justice before whom such conviction is made, which warrant such justice is hereby empowered and required to make, seal and grant. And where distress cannot be found to be made on the offender's goods it shall and may be lawful to and for the said justice of [the] peace to commit such offender or offenders to the county.

goal where the offense is committed, there to remain without bail or mainprise for the space of twenty days.

[Section II.] And be it enacted by the authority aforesaid, That the justices of the peace of the county in which any such furnaces are erected, upon complaint to them made, shall and they are hereby required and enjoined at any of the general quarter-sessions of the peace to be held for any of the counties aforesaid respectively to direct and appoint the rates or prices to be taken by any innkeeper or other retailer of rum, wine, brandy and other strong liquors whatsoever to be sold within the limits or distances of the furnaces aforesaid. And if any innkeeper or retailer of strong liquors within those limits or distances shall exact, demand and take any other and greater prices for any of the liquors aforesaid than shall be so directed and appointed by the justices as aforesaid, and shall be thereof convicted by the oaths or affirmations of two credible witnesses before any one or more of the justices of the peace of the counties aforesaid respectively, every such offender shall forfeit and pay for each such offense the sum of twenty shillings, to be applied to the uses hereinafter directed.

[Section III.] And be it further enacted by the authority aforesaid, That all the fines, forfeitures and penalties mentioned in this act shall be and are hereby appropriated, one-half thereof to the overseers of the poor of the township where the offense is committed for the use of the poor of the said township, and the other half thereof to the use of the prosecutor.

And this act to continue in force for five years after its publication and from thence to the end of the next sessions of assembly and no longer.

Passed February 20, 1735-36. See Appendix XII, Section I, and the Act of Assembly passed May 26, 1744, Chapter 360.