

shall die or become incapable of performing the trust, it shall and may be lawful for the commissioners of the said county chosen by virtue of an act of the general assembly of this province, entitled "An act for raising county rates and levies,"¹ passed in the eleventh year of the reign of King George the First, and to and for any two of them to appoint others in the stead of the trustees so dying or being disabled, which trustees when appointed shall have the same powers and authorities to all intents and purposes as the trustees named and appointed by this act.

[Section IV.] And be it further enacted by the authority aforesaid, That the prison first built as aforesaid shall be and the same is hereby declared to be a house of correction and workhouse for the said county, and as such, with the prison yard adjoining, shall be subject to the same regulations and shall and may be used, occupied and employed to all intents and purposes designed by the act for erecting of houses of correction and workhouses in the respective counties before mentioned as amply as if the same had been built for the purpose at the place and within the time limited by the said act until such time as a new and more commodious house shall be built for the same purposes.

Passed March 7, 1745-46. Confirmed by the King in Council, October 29, 1748. See Appendix XVI, Section I, and notes to the Acts of Assembly passed February 22, 1717-18, Chapter 229, March 20, 1724-25, Chapter 283, and the Act of Assembly passed March 7, 1745-46, Chapter 367.

CHAPTER CCCLXVII.

AN ACT FOR ERECTING OF A HOUSE OF CORRECTION AND WORKHOUSE IN THE BOROUGH OF BRISTOL, IN THE COUNTY OF BUCKS, AND FOR RAISING OF MONEY ON THE INHABITANTS OF THE SAID BOROUGH FOR THE PUBLIC USE AND BENEFIT THEREOF.

Whereas William Keith, Esquire (afterwards Sir William Keith,) formerly lieutenant-governor of this province, by letters

¹Passed March 20, 1724-25, Chapter 284.

patent under the great seal of the said province bearing date on or about the fourteenth day of November, one thousand seven hundred and twenty, did erect the town of Bristol aforesaid into a borough, with privilege to the inhabitants thereof annually to meet at the time and place in the said letters patent mentioned, and to elect by ballot fit and able men, inhabitants of the said town, to be burgesses and high constable, with all such other officers within the same for serving and assisting the burgesses in the management of the affairs of the said borough and in keeping of peace and good order therein, from time to time, as to the said electors or to the majority of them should seem requisite; and that the burgess first chosen or having the majority of votes should be called chief burgess of the said town; and that the burgesses so from time to time to be chosen, taking the qualifications in the said letters patent directed and enjoined, were thereby commissioned and empowered to be conservators of the peace, with powers to arrest, imprison and punish rioters and breakers of the peace, and to bind them and all other offenders and persons of evil fame to the court of general quarter-sessions of the peace of the said county as fully and effectually as justices of the peace of the county may or can do, with divers other [powers], franchises, liberties and privileges in the same letters patents contained. But there being no workhouse, house of correction or prison erected within the bounds of the said borough, the good purposes of the said letters patents are in great measure frustrated and the rule and good government of the same borough rendered the more difficult to be maintained:

For the remedying whereof and for the raising of money on the inhabitants of the said borough for the public use and benefit thereof as is hereinafter directed:

[Section I.] Be it enacted by the Honorable George Thomas, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietors 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 the

burgesses and common council of the said borough for the time being shall on the twenty-seventh day of September yearly, but if the same shall happen upon a first day of the week then upon the day before, or oftener if need be, meet together and calculate the public debts and charges of the said borough, and what sum and sums of money may be necessary to be raised on the persons and estates of the freeholders and inhabitants for purchasing a piece of land and building and repairing a house of correction or workhouse thereon, or for renting one already built, as they shall judge most convenient, and also for building a market house, public stalls and bridges, repairing town wharves, regulating the streets and highways, and to and for such other public uses as they the said burgesses or either of them, assisted by the common council aforesaid or a majority of them, shall judge necessary for the year ensuing; which said respective sums, with the particular uses whereunto they shall be agreed to be appropriated as aforesaid, shall be entered in a book to be provided and kept for that purpose by the clerk of the peace of the said borough or such other person as they shall appoint for the purpose aforesaid, for which such allowance shall be made to the said clerk as the said burgesses and common council shall think reasonable.

[Section II.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the inhabitants of the said borough at their annual election to choose two or more substantial inhabitants of the said borough to be assessors of the several sums of money so agreed to be raised, which assessors so to be appointed shall within six weeks after every such calculation make or lay a rate or assessment upon themselves and all other persons and estates within the borough aforesaid, to and for the uses aforesaid, by poll and pound rate, according to the manner now used in making assessments in this province for raising of county levies as near as may be.

[Section III.] And be it further enacted by the authority aforesaid, That the constables of the said borough shall bring in returns in writing within five days after notice given them of the names and estates of all persons within the said borough, for which they shall be allowed three pence per pound upon

every sum to be assessed as aforesaid; which assessment, being equally and impartially laid and signed by the said assessors, shall be confirmed by the said burgesses or either of them and the common council aforesaid or a majority of them, under their hands and seals, and shall be paid by every person and estate so assessed on demand made by the high constable for the time being, who is hereby appointed the collector of the said taxes; and in case of neglect or refusal, the said collector shall by warrant from the burgesses aforesaid levy the same by distress and sale of the goods of the persons so assessed and not paying the same within fourteen days after demand, rendering the overplus of the value of the goods distrained to the owner or owners thereof, deducting the charge of distress but for want of distress the said assessments to be levied by imprisonment of the person so neglecting or refusing to pay the same as aforesaid.

Provided always, That no such assessment or assessments to be made in any one year shall exceed the value of three pence in the pound of the clear value of the lands, tenements, hereditaments and personal estate so assessed, and three shillings per head, in proportion to one penny per pound tax, on all single men, inhabitants of the said borough, not otherwise rated by this act. Provided also, That those who are not ratable or liable to be taxed for relief of the poor within the said borough shall not be rated or assessed by this act.

[Section IV.] And be it further enacted by the authority aforesaid, That the said burgesses or either of them with the common council aforesaid or a majority of them shall appoint a treasurer for the said borough, who shall keep a book containing a particular account of all the rates and assessments made as aforesaid and the money to him paid, and also of all disbursements and payments which he shall make by order from the burgesses aforesaid or either of them in conjunction with the common council aforesaid or a majority of them, whose order to the said treasurer from time to time shall be sufficient for the payment of such moneys as shall come into his hands from the said collectors.

[Section V.] And be it further enacted by the authority

aforesaid, That the said treasurer shall on or before the fourth day of September yearly or oftener if required bring in his accounts, and settle and make up the same before the burgesses and common council aforesaid or such as they shall appoint; at the auditing of which accounts any of the said inhabitants and freeholders who shall be willing may be present; and the said treasurer shall have for his trouble in the premises as much as the said burgesses or either of them with the common council aforesaid or a majority of them shall agree to allow; and the said assessors shall be allowed three pence per pound for all the sums levied and to be collected by this act.

[Section VI.] And be it further enacted by the authority aforesaid, That the money and effects gathered and received by the said collectors by virtue of this act shall from time to time be duly paid to the said treasurer or treasurers, whose receipts shall be the collector's sufficient discharges: Provided always, That the collector for the time being shall forthwith, after every such assessment made as aforesaid, give notice to the said freeholders and inhabitants of the said borough, or in their absence to some or one of their families or neighbors, of the respective sums they are rated, and to acquaint them that if they think themselves aggrieved by such assessment they may appeal to the burgesses and common council aforesaid; and shall also acquaint them with the day and place of appeal, which said day and place of appeal shall be appointed by the burgesses and common council aforesaid, who shall give their attendance accordingly and have due regard to the said appeals, and thereupon to increase or abate the said assessment as the said appellants shall appear to them to be worth, [either] on their own examination or the proof of others.

[Section VII.] And be it further enacted by the authority aforesaid, That from and immediately after the said appeals have been heard and determined as aforesaid it shall and may be lawful to and for the collector for the time being to proceed in collecting and levying the said rates and assessments, for the collecting whereof he and they respectively shall retain and keep six pence in the pound and no more; and if any of the said collectors shall refuse or neglect to collect the said assessments

respectively or any part thereof and pay the same to the treasurer within three months after the said appeals are determined as aforesaid, he shall forfeit and pay to the said treasurer for the use of the said borough five pounds, and shall also pay all arrears of such assessments which he was appointed to collect, which shall be levied by a warrant under the hand and seal of either of the burgesses aforesaid directed to the sheriff or his deputy, who are hereby respectively empowered and required to execute such warrant upon the lands and tenements, goods and chattels, [of the party] offending; and in case lands and tenements, goods and chattels, sufficient to make satisfaction cannot be found, then to imprison such offender until payment be made.

[Section VIII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful, with the moneys so to be raised as aforesaid, for the burgesses aforesaid or either of them with the common council aforesaid or a majority of them, to take upon rent or to erect and build a house of correction and workhouse in Bristol aforesaid, with a convenient yard or back-side to the same, and to take an assurance thereof in fee-simple or otherwise in their own names or in the names of such other persons as they shall think fit, in trust, nevertheless, to and for the public use of the said borough, to be and remain as a house of correction or workhouse for the said borough, to be employed for the keeping, correcting and setting at work of all rogues, vagabonds, sturdy beggars and idle and disorderly persons who by the laws and usage of Great Britain or by the laws of this province are to be kept, corrected or set at work in such houses or backsides.

[Section IX.] And be it further enacted by the authority aforesaid, That the burgesses aforesaid or either of them, in conjunction with the common council of the said borough or the greater number of them, shall have like power as the justices of the peace of the said county had by the laws of this province, for choosing and appointing of a president, treasurer and assistants for the said house of correction or workhouse within the said borough, and upon any vacancy by death or otherwise of any of the said presidents, treasurers or assistants, to elect and

appoint others in their stead, and for doing all and singular other the matters and things anywise concerning the workhouse aforesaid as fully, amply and largely as the justices of the peace can or may do in respect to the workhouses in the several counties by the laws of this province.

[Section X.] And be it further enacted by the authority aforesaid, That the president, treasurer and assistants for the time being respectively shall forever thereafter, in name and fact, be a body politic and corporate in law to all intents and purposes, and shall have perpetual succession, and may sue and be sued, plead or be impleaded, by the name of "The President, Treasurer and Assistants of the borough of Bristol," in all courts of judicature within this province; and by that name shall and may receive and take any lands, tenements or hereditaments, not exceeding the yearly value of one hundred and fifty pounds per annum, of the gift, alienation or devise of any person or persons whomsoever, and of any goods or chattels whatsoever; and further, shall have, possess and enjoy all other the powers, authorities and privileges, and be subject to the same regulations, restrictions and penalties as the president, treasurer and assistants of the house of correction [or workhouse] of the said county are entitled and subject unto.

[Section XI.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses of the said borough of Bristol for the time being and for every of them, and they are hereby authorized to hear and determine debts and other demands under the value of forty shillings within the said borough in like manner as the justices of the several counties within this province may or can do by virtue of the act of general assembly of this province, passed in the first year of the reign of King George the First, entitled "An act for the better determining of debts and demands under forty shillings," etc.¹

[Section XII.] And be it further enacted by the authority aforesaid, That in all cases wherein the burgesses aforesaid, by virtue of their charter aforesaid or otherwise, are authorized to commit offenders or debtors to gaol for any matter, cause or

¹ Passed October 19, 1733, Chapter 332.

thing whatsoever, that then and in every such case the said burghesses shall commit to the gaol of the county of Bucks aforesaid and not elsewhere, notwithstanding the said gaol is out of the bounds of the said borough. And further, that it shall be lawful for the constables of the said borough for the time being and they are hereby enjoined and required duly to execute every such precept by delivering the persons which shall be so committed to the keeper of the gaol of the said county for the time being, who is hereby enjoined and required to receive and keep them, pursuant to the tenor of such precepts, under the like penalties as for suffering an escape in other cases.

Passed March 7, 1745-46. Confirmed by the King in Council, October 29, 1748. See Appendix XVI, Section I.

As to Sections I-X, see notes to the Acts of Assembly passed February 22, 1717-18, Chapter 229; March 20, 1724-25, Chapter 283; and the Acts of Assembly passed February 21, 1767, Chapter 555; February 28, 1780, Chapter 878; April 15, 1834, P. L. 537; May 8, 1876, P. L. 154; June 1, 1883, P. L. 58; May 19, 1887, P. L. 132; April 19, 1895, P. L. 38; June 26, 1895, P. L. 377.

As to Sections XI-XII, see Acts of Assembly passed September 16, 1785, Chapter 1182, February 15, 1851, P. L. (1852) 674; April 3, 1851, P. L. 320; May 19, 1887, P. L. 133.

CHAPTER CCCLXVIII.

A SUPPLEMENTARY ACT TO THE ACT, ENTITLED "AN ACT FOR PREVENTING THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE."¹

Whereas by an act of the general assembly of this province passed in the seventh year of the reign of our present King, George the Second, entitled "An act to prevent the exportation of bread and flour not merchantable," it is amongst other things enacted that no merchant or other person shall lade or ship any flour for exportation out of this province before he first submit the same to the view and examination of the officers therein named; but the method of trying the goodness and fineness of the said flour provided by the act, on any dispute arising between

¹ Passed October 19, 1783, Chapter 332.