

aforesaid, That the collector aforesaid shall have and receive all other the fees, perquisites and rewards for the services enjoined by the said act of assembly as fully and amply as if he had been named in the said act. And if it shall so happen that the said Joseph Prichard shall by any accident be rendered incapable to execute the said office or shall misbehave himself therein or shall happen to die, that then and so often it shall and may be lawful for the mayor, recorder and aldermen of the city of Philadelphia or the majority of them to nominate and appoint some other fit person to supply the place until the assembly shall appoint another; the said person and persons so to be nominated and appointed first taking a qualification for the impartial discharge of the trust reposed in him in manner aforesaid.

Passed August 19, 1749. Never submitted to the consideration of the Crown. See note to the Act of Assembly passed February 14, 1729-30, Chapter 314. Repealed by the Act of Assembly passed August 24, 1761, Chapter 391.

CHAPTER CCCLXXIX.

AN ACT FOR AMENDING THE LAWS RELATING TO THE POOR.

Whereas divers persons within this province by their last wills or otherwise may hereafter devise, bequeath or give lands, tenements or sums of money to the use of the poor, and questions may arise whether the overseers of the poor can take by such gifts, devises or bequests or maintain actions for the same:

[Section I.] Be it therefore enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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 all gifts, grants, devises and bequests hereafter to be made of any houses, lands, tenements, rents, goods,

chattels, sum or sums of money, not exceeding the [yearly] value of five hundred pounds, to the poor of any city, borough or township within this province or to any other person or persons for their use by deed or by the last will and testament of any person or persons or otherwise howsoever, shall be good and available in law, and shall pass such houses, lands, tenements, rents, goods and chattels to the overseers of the poor of such city, borough and township for the use of their poor respectively.

[Section II.] And be it further enacted by the authority aforesaid, That the said overseers of the poor for the several townships, city and boroughs aforesaid for the time being respectively shall forever hereafter in name and in fact be and they are hereby declared to be bodies politic and corporate in law to all intents and purposes, and shall have perpetual succession, and by the name of overseers of the poor of the said respective townships, city or boroughs may sue and be sued and plead or be impleaded in all courts of judicature within this province, and by that name shall and may purchase, take or receive any lands, tenements or hereditaments not exceeding the yearly value of five hundred pounds, and also any goods or chattels whatsoever, to and for the use and benefit of the poor of each of the said townships, city or boroughs respectively of the gift, alienation or devise of any person or persons whomsoever, to hold to them the said overseers and their successors in the said trust for the use of the said poor respectively forever.

[Section III.] And be it further enacted by the authority aforesaid, That the overseers of the poor of the several townships within every of the counties within this province, in all future rates and assessments to be made for the support of the poor in their respective townships, shall rate and assess all persons according to their estates they have in the township, which shall not exceed the rates and assessments made by the county assessors respectively.

And whereas some doubts have arisen on the act of assembly passed in the eighth year of the present reign, entitled "A supplement to the several acts of assembly of this province for the relief of the poor,"¹ whether indented healthy servants, legally

¹Passed March 29, 1735, Chapter 336.

imported or brought into the said province and coming directly from Europe, can by the said act acquire a legal settlement within the city of Philadelphia or within any of the townships aforesaid, although they duly serve therein for the space of one year or upwards within the said city or townships respectively, unless the master or mistress of such servants or the servants themselves shall give notice in writing to the overseers of the poor where they are come to reside.

For removing of which doubts:

[Section IV.] Be it enacted by the authority aforesaid, That all and every such servant or servants so legally and immediately imported or brought from Europe into the city of Philadelphia or any of the townships aforesaid and shall duly serve his or her master or mistress for the space of one year, then and in every such case every such servant and servants shall and are hereby declared to acquire a legal settlement in the said city or township where such service is performed without giving any such notice as is hereinbefore mentioned, anything in the act of assembly aforesaid contained to the contrary notwithstanding. But if at any time afterwards during the time for which any such servant is or shall be bound his or her master or mistress shall sell or assign over the time of such servant or servants to any other person or persons dwelling in any other township or place than that wherein such servant on their first importation into the province aforesaid were bound or assigned over, every such master and mistress and their servants are hereby declared to be within the meaning of the said act of assembly and shall give the notice thereby directed, or otherwise shall be liable to the pains and penalties therein contained.

[Section V.] And be it further enacted by the authority aforesaid, That the overseers of the poor within the said city and townships respectively shall provide and keep books, in which they shall make [fair] entries of the names of [all] such persons who in pursuance of the said act shall give to them the notices thereby directed, and for each entry so to be made, they shall receive six pence and no more, which books at the times of their going out of the said offices they shall deliver to such who shall succeed them therein for the like purposes under the penalty of

twenty shillings to every of the said overseers who shall neglect or refuse the duty herein enjoined them, the one-half thereof to the use of the poor of the said city or townships respectively, and the other half to him or them who shall sue for the same before any one of the justices of the county in which the offense shall be committed, to be recovered with full costs of suit.

And whereas by an act, entitled "An act for emitting thirty thousand pounds in bills of credit, etc.,"¹ passed in the second year of the present reign, one thousand pounds in the said bills was lent to the mayor and commonalty of the said city for purchasing a convenient piece of ground for building an almshouse thereon for accommodating the poor of the said city, and the said sum so lent was to be repaid and the bills of credit so borrowed sunk by taxes to be laid on the inhabitants of the said city for that purpose. And whereas in pursuance of the said act a purchase was made of William Allen, Esquire, of a piece of ground, commonly called a square, situate in Philadelphia, containing in length four hundred and sixty-eight feet and in breadth three hundred and ninety-six feet, bounded eastward with Third street, southward with Pine street, westward with Fourth street, [and northward with Spruce street,] to hold to the mayor and commonalty of the said city of Philadelphia and their successors forever, as by indentures of lease and release from the said William Allen to the said mayor and commonalty, bearing date respectively the ninth and tenth days of April, one thousand seven hundred and thirty-two, may appear; which indentures so made were nevertheless in trust for the benefit of the inhabitants of the city aforesaid to build an almshouse thereon for the use of the poor of the said city and to be for such other public uses as the said inhabitants should think fitting. And whereas an almshouse and other buildings have been erected on the premises at the expense of the said inhabitants to accommodate the poor of the said city, and divers parts of the said square yet remain which might be granted out on a considerable yearly rent and the taxes usually raised on the said inhabitants thereby much lessened:

[Section VI.] Therefore be it enacted by the authority afore-

¹Passed May 10, 1729, Chapter 300.

said, That it shall and may be lawful for the mayor, recorder and aldermen of the city of Philadelphia or a majority of them of which the mayor for the time being shall be one, together with the assessors of the said city or a majority of them and they are hereby required to grant, bargain and sell for the best annual rent that can be had for the same but not otherwise unto any person or persons who shall be willing to purchase the same, and to his, her or their heirs and assigns forever, such part and parts of the square aforesaid as to them shall seem fitting; so always as not to incommode the almshouse and buildings thereunto belonging or such as may hereafter be erected; and reserving on every such sale the best annual rent as aforesaid, to be made chargeable on the ground so to be sold, payable to the overseers of the poor of the said city and their successors in the said trust for the use of the poor of the said city, with covenants therein to be contained to erect within some reasonable time a good, substantial brick or stone house on the premises of at least two stories in height.

[Section VII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said overseers of the poor and their successors in the said trust to collect and receive the rents of the ground so to be bargained and sold of the persons to whom the same shall be so sold and of their heirs, executors, administrators or assigns; and on neglect or refusal to pay the same or any part thereof as it shall become due, to distrain or bring actions of debt for the rent so in arrear in any court of record to be held in the county of Philadelphia, to be recovered with costs of suit; which rents and sums of money when received shall from time to time be applied towards the maintenance, employing and setting to work of the poor of the said city and lessening the taxes usually raised for that purpose.

[Section VIII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the overseers of the poor of the city of Philadelphia to appoint one or more fit person or persons to be collector or collectors of the rates aforesaid, who shall receive for his or their trouble and service in collecting the same nine pence in the pound. And for the better collecting of the said tax and enabling the said collectors to per-

form the duties enjoined by this act, the said overseers shall apply to the mayor, recorder or any two aldermen of the said city for a warrant under their hands and seals to be annexed to their said duplicates, requiring them the said collectors forthwith to collect and receive from the persons assessed the several sums in their duplicates respectively mentioned, and thereby authorizing them on the neglect or refusal of any person or persons so assessed for the space of ten days to levy the same by distress and sale of the delinquents' goods and chattels, or for want thereof to imprison their bodies in like manner as by the act for raising of county rates and levies is provided in respect to the assessments thereby made, which said warrants they the said mayor, recorder or aldermen are hereby authorized and required to grant. And the collector or collectors so to be appointed shall from time to time have the duplicates of the assessments so made delivered to him or them by the said overseers, directing them the said collectors to demand of the parties the respective sums of money wherewith they are chargeable, which said sums of money the collector or collectors shall, so soon as they receive the same, immediately pay to the said overseers, whose receipts shall be the collectors' sufficient discharges. And if the said collectors or any of them shall refuse or neglect to collect the said assessments respectively or any part thereof and pay the same to the overseers of the poor when required thereunto, so as to complete and pay in the whole sum in his duplicate in three months after his receiving the same (such deficiencies as the mayor, recorder and aldermen of the city aforesaid shall allow of only deducted), every such collector so refusing or neglecting shall forfeit and pay to the said overseers for the use of the poor five pounds, and shall also pay all the arrearages of such assessment which he was appointed to collect which shall be levied by a warrant under the hand and seal of the mayor for the time being, or recorder, or any alderman of the said city, directed to the sheriff of the county of Philadelphia, who is hereby empowered and obliged to execute such warrant upon the goods and chattels of the party so offending; and in case goods and chattels sufficient to make satisfaction cannot be found, then to imprison such offender until payment made. And every collector being so levied on and having made

full satisfaction as aforesaid is hereby empowered to levy for his own use upon all such as shall refuse or neglect to pay the said arrearages.

And whereas the employing such of the poor of the city of Philadelphia as are able to work, but likely otherwise to become chargeable, as well as employing those who are or may be in the almshouse, will be of great service and help to ease the inhabitants of the taxes assessed for the relief of the poor of the said city; and the overseers of the poor, from the nature of their office, having the best opportunity of being acquainted with the circumstances and abilities of the poor throughout the said city and being frequently at the almshouse are acquainted with the abilities and circumstances of the poor therein:

[Section IX.] Be it enacted by the authority aforesaid, That the overseers of the poor of the city of Philadelphia or some fit person by them to be appointed and who shall be accountable to them from time to time shall have full power and authority, and are hereby strictly enjoined and required, to purchase junk, hemp, flax, wool, yarn, worsted or any other proper materials for employing and keeping poor persons to work, and distribute and give out such quantities thereof as they see fit to such poor persons in the said city as are likely to become chargeable for want of employment, and to employ such persons in manufacturing the same, and to make them a reasonable allowance for their labor.

[Section X.] And be it further enacted by the authority aforesaid, That every person hereafter to be appointed keeper of the almshouse shall give bond * * * ² to the overseers of the poor of the said city with sufficient sureties for the due and faithful execution of his office and for the care and good management of what shall be committed to his trust, and shall keep just and true accounts of all materials, bedding, goods and other things brought into the said almshouse and of the work done there, and shall be accountable to the overseers for the same any law, usage or custom of this province to the contrary notwithstanding.

¹ The amount of the bond to be given is left blank in the original roll.

[Section XI.] And be it further enacted by the authority aforesaid, That all and every the overseers of the poor of the city of Philadelphia shall at their going out of their office render a fair and true account to the mayor, recorder and aldermen at their session of the peace in April yearly and every year of all the moneys, goods and effects received by them or which have come to their hands or possession for the use of the poor, and of the produce of the labor of the poor under their care or who have been employed by them, and how the same hath been applied or disposed of, and also what remains in their hands, and what stock, materials or other things remain [in the almshouse, and what stock and materials remain] in the hands of the poor out of the almshouse under their employ, and shall pay and deliver the same to the succeeding overseers. And if the said overseers or any of them shall neglect or refuse to render such account or to pay and deliver such moneys or effects as aforesaid, it shall and may be lawful to and for the mayor, recorder and aldermen to commit such overseer or overseers to the county gaol until such overseer or overseers shall render a true and fair account, and pay and deliver such moneys, goods and effects as aforesaid; and further that they the said overseers of the poor of the said city shall be obliged to perform the same duties and be subject to the same penalties as by this and former acts of assembly with regard to the city aforesaid are directed and inflicted.

[Section XII.] And be it further enacted by the authority aforesaid, That so much of the act, entitled "An act for the relief of the poor,"¹ and other acts of assembly since made as are repugnant to the provisions made by this act are hereby repealed, made null and void, but as to every other part of the same acts, that they be and remain in full force and virtue as if this act had not been made.

Passed August 19, 1749. Confirmed by the Lords Justices in Council, August 2, 1750. See Appendix XVII, Section II, and notes to the Acts of Assembly passed January 12, 1705-6, Chapter 154; March 29, 1735, Chapter 336. Repealed by the Act of Assembly passed March 9, 1771, Chapter 635.

¹Passed January 12, 1705-6, Chapter 154.