

acts or anything therein contained but that every clause, article and sentence therein except what is hereby altered or supplied shall be and remain in full force and virtue.

Passed February 9, 1750-51. Confirmed by the King in Council, May 10, 1753. See Appendix XIX, Section I, and notes to the Acts of Assembly passed August 19, 1749, Chapter 377; January 27, 1749-50, Chapter 380.

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## CHAPTER CCCLXXXVIII.

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AN ACT FOR THE MORE EFFECTUAL PREVENTING ACCIDENTS WHICH MAY HAPPEN BY FIRE AND FOR SUPPRESSING IDLENESS, DRUNKENNESS AND OTHER DEBAUCHERIES.

To the end the provisions already made by our laws for preventing accidents which may happen by fire in the city of Philadelphia and several other boroughs and towns within this province may be made more generally useful, and to prevent as much as in us lies the growing sins of idleness, drunkenness and other debaucheries, too frequent among us,

[Section I.] Be it 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 of the 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 if any person or persons whatsoever within any county town or within any other town or borough in this province already built and settled or hereafter to be built and settled, not hitherto restricted nor provided for by our laws, 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, or shall fire any gun or other fire-arm, 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 any of the said towns

or boroughs without the governor's special license for the same, every such person or persons so offending shall be subject to the like penalties and forfeitures and to be recovered in like manner as in and by an act passed in the eighth year of the reign of King George the First, entitled "An act for preventing accidents that may happen by fire,"<sup>1</sup> are directed to be levied and recovered.

And for preventing idleness, drunkenness and other mischiefs that may and frequently do happen by numbers of idle or vicious persons meeting together at or near public houses or dram shops under pretense of horse races, shooting matches or other idle sports,

[Section II.] Be it further enacted by the authority aforesaid, That if any public house keeper or other retailer of strong liquors within this province shall promote or encourage any such horse races, shooting matches or other idle sports, or shall sell any wine, rum, beer, cider or other strong liquors whatsoever to any such persons so assembled on pretense of horse races, shooting matches or any other unlawful sports or games, he, she or they shall forfeit and pay the sum of forty shillings for the first offense, and for the second offense the sum of three pounds, and be suppressed by the justices of the respective county courts to which he, she or they may belong.

[Section III.] And be it likewise further enacted by the authority aforesaid, That if any person or persons whatsoever shall enter, start or run any horse, mare or gelding, or shall promote or be concerned in any shooting match for any plate, prize, sum of money or other thing of value whatsoever, or shall make, print, publish or proclaim any advertisement or notice of any plate, prize, sum of money or other thing of value, to be run for by any horse, mare or gelding, or to be shot for by any person or persons whatsoever, without the governor's special license for the same, he, she or they shall forfeit and pay the sum of three pounds for the first offense, and of five pounds for the second and every other offense. And if such offender be a servant, or negro or Indian slave, he, she or they shall be whipped on the bare back with fifteen lashes and confined six

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<sup>1</sup> Passed August 26, 1721, Chapter 245.

days at hard labor in the county workhouse for the first offense, and for the second and every other offense shall be in like manner whipped twenty-one lashes and confined ten days.

And forasmuch as a pernicious custom hath prevailed in many places of giving rum and other strong liquors to excite such as bid at vendues to advance the price, which, besides the injustice of the artifice, leads to great intemperance and disorders,

[Section IV.] Be it therefore enacted by the authority aforesaid, That if any person or persons whatsoever shall from and after forty days after the publication of this act give or sell any rum, wine or other strong liquors at the time of any such vendue to any person or persons attending the same, he, she or they so selling or giving any liquors shall forfeit and pay for the first offense the sum of four pounds and for the second and every other offense the sum of five pounds.

[Section V.] And be it likewise enacted by the authority aforesaid, That every of the fines and forfeitures accruing or becoming due for offenses against this act shall be paid, one-half to the overseer or overseers of the poor for the use of the poor of the township within which such offense may be committed, and the other half to the use of him or them who shall inform or sue for the same before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same and to convict the offender or offenders, either on his own view or by the legal testimony of one or more witnesses: Saving to every such offender or offenders the right of appeal in like manner as is provided in and by an act passed in the nineteenth year of the present reign, entitled "An act for the more easy and speedy recovery of small debts,"<sup>1</sup> which fines and forfeitures shall be recovered by distress and sale of the offender's goods, or for want of such distress, if the offender refuses to pay, he, she or they shall be committed to prison for every such fine, where the same is twenty shillings, the space of eight days, without bail or mainprise, and so in proportion for any of the greater fines.

Provided, That every such conviction be made within one month after such offense or offenses committed.

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<sup>1</sup>Passed March 1, 1745-46, Chapter 365.

Passed February 9, 1750-51. Confirmed by the King in Council, May 10, 1753. See Appendix XIX, Section I.

As to Section I, see note to the Act of Assembly passed August 26, 1721, Chapter 245.

As to Sections II and V, see notes to the Act of Assembly passed May 31, 1718, Chapter 236; and the Acts of Assembly passed March 30, 1779, Chapter 333; September 25, 1786, Chapter 1248; April 22, 1794, Chapter 1758; March 22, 1817, P. L. 122; February 17, 1820, P. L. 20; June 11, 1891, P. L. 298; June 6, 1893, P. L. 344.

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## CHAPTER CCCLXXXIX.

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AN ACT FOR THE BETTER REGULATING THE NIGHTLY WATCH WITHIN THE CITY OF PHILADELPHIA, AND FOR ENLIGHTENING THE STREETS, LANES AND ALLEYS OF THE SAID CITY, AND FOR RAISING OF MONEY ON THE INHABITANTS OF THE SAID CITY FOR DEFRAYING THE NECESSARY EXPENSES THEREOF.

Whereas the well-ordering and regulating the watch and enlightening the streets, lanes and alleys in the night time within the city of Philadelphia is of very great importance for the preservation of the persons and properties of the inhabitants and very necessary to prevent fires, murders, burglaries, robberies and other outrages and disorders:

And whereas by the laws now in being no effectual provision is made for the ordering or well-governing such nightly watch and for the enlightening the said streets, lanes and alleys, or for levying or collecting such sum or sums of money as may be necessary for defraying the charges thereof:

For effecting of which good purposes for the future, and to the end that a due application and just account may be had and taken of the money which shall hereafter be levied and collected by virtue of this act for the purposes aforesaid:

[Section I.] Be it 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 the counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said