

strike the said masts, and shall with all other flats and boats pass under the said ropes without injuring or damaging the same as aforesaid unless the said flats shall be so loaded as to require the raising or sinking the said ropes, in which case the said owner or owners of any of the said ropes, his or their servant or servants, shall on such notice to be given as aforesaid by the person navigating such loaded flats, [raise] or sink the said ropes in such manner as to suffer and enable the said flats to pass by with safety under the said penalty of ten pounds, to be recovered and applied in manner aforesaid.

Passed February 8, 1766. Referred for consideration by the King in Council, February 11, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXV, Section I, and the note to the Act of Assembly passed February 22, 1717-18, chapter 230; and the Acts of Assembly passed April 15, 1834, P. L. 509; (the Constitution of 1874, Article III, Section VII); April 29, 1874, P. L. 73; March 14, 1876, P. L. 6; April 17, 1876, P. L. 30; June 6, 1887, P. L. 352; May 23, 1889, P. L. 277.

CHAPTER DXXXIV.

AN ACT FOR THE BETTER EMPLOYMENT, RELIEF AND SUPPORT OF THE POOR WITHIN THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK, THE TOWNSHIPS OF MOYAMENSING AND PASSYUNK AND THE NORTHERN LIBERTIES.

Whereas the poor within the city of Philadelphia, the district of Southwark, the townships of Moyamensing and Passyunk and the Northern Liberties are become very burdensome and expensive to the inhabitants, and the charge of their support is likely to increase, without affording them so comfortable a subsistence as might otherwise be supplied, for want of proper buildings and due regulations for their employment and relief:

And whereas divers inhabitants of this province are charitably disposed to contribute largely towards so good a work if such contributors might be incorporated with proper powers and privileges for carrying on and completing the same, and a sum of money could be raised by law within the city, district and townships aforesaid and appropriated to the purposes aforesaid:

[Section I.] Therefore be it enacted by the Honorable John Penn, 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 consent and advice of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That it shall and may be lawful to and for every person who shall contribute the sum of ten pounds or more towards founding, providing and establishing a building or buildings for the reception, employment and relief of the poor of the city of Philadelphia, district of Southwark, the townships of Moyamensing and Passyunk and the Northern Liberties, or as many of the said contributors as shall think fit, to meet on the second Monday in the month of May next and on the same day, in the same month, yearly forever, at some convenient place in the said city, then and there to elect by ballot twelve of their own number to be managers of the said contributions and building or buildings, and one other person to be treasurer until the next annual election.

[Section II.] And be it further enacted by the authority aforesaid, That the said contributors shall forever hereafter in name and in fact be one body politic and corporate in law to all intents and purposes whatsoever, and shall have perpetual succession and may sue and be sued, plead or be impleaded, and shall be incorporated by the name of "Contributors to the Relief and Employment of the Poor in the City of Philadelphia," and by that name shall and may receive, take and hold any lands, tenements or hereditaments not exceeding the yearly value of one thousand pounds and any goods and chattels whatsoever of the gift, alienation, bequest or devise of any person or persons whatsoever, and are hereby empowered and authorized to use one common seal in their business relating to the said corporation, and the same at their pleasure to change and alter.

And for the better governing and managing the said corporation:

[Section III.] Be it further enacted by the authority aforesaid, That the said managers or any eight of them shall and

they are hereby authorized, enjoined and required to meet together on the third Monday in the month of May yearly and at all such other times as they shall judge necessary at some convenient place in the said city on reasonable notice thereof given to each of them, to appoint proper officers and servants for carrying on the business of the said corporation, and to make and ordain, by a majority of votes, all such good and wholesome ordinances, rules and by-laws as they shall think convenient and necessary for the direction, government and support of the almshouse and house of employment and the revenues thereto belonging and also for the maintenance and employment of all such poor persons as shall be taken into or under their care, all which ordinances, rules and by-laws shall be from time to time inviolably observed by all persons concerned according to the tenor and effect thereof, provided they be not repugnant to the laws of England or of this government and shall be approved of by the speaker of the assembly, chief justice and attorney general of this province for the time being.

[Section IV.] And be it further enacted by the authority aforesaid, That when the said contributors shall have met and chosen their managers and treasurer as aforesaid, and shall have raised by their contributions a stock of fifteen hundred pounds for and towards the purposes aforesaid and shall make the same appear to the satisfaction of the mayor, recorder and aldermen of the said city, or a majority of them, of which the mayor or recorder for the time being shall be one, and of the assessors of the said city, or a majority of them, it shall and may be lawful, and the mayor and commonalty of the city of Philadelphia, in whom, as trustees for the benefit of the inhabitants of the city, the title to the lot and piece of ground whereon the almshouse of the said city is erected was vested, are hereby enjoined and required to borrow of such person or persons as shall be willing to lend the sum of two thousand pounds, and to convey the lot and piece of ground whereon the almshouse of the city of Philadelphia is erected, or any part or parts thereof, together with the buildings thereon, by way of mortgage and as a security for the payment of the said sum of money to such person or persons as shall lend the same, which sum so borrowed shall be paid

to the treasurer of the said contributors to be by their managers applied towards purchasing the lot of ground and erecting the almshouse and house of employment hereinafter mentioned; and when the said lot shall be so purchased and the said houses erected, then the said mayor and commonalty, by and with the advice and consent of the assessors of the said city to be testified by their or a majority of their names subscribed as witnesses to the deed, shall and they are hereby enjoined and required to grant, bargain and sell the said lot of ground, with the buildings thereon erected, to any person or persons who shall be willing to purchase and to his, her or their heirs and assigns forever for the greatest sum or sums of money that can be procured for the same, and upon receipt of the said money to pay and discharge the said sum so borrowed with the interest thereof, and to pay the residue to the treasurer of the said contributors, to be by the managers aforesaid applied and appropriated to the purposes in this act mentioned and directed.

And whereas the said lot of ground so as aforesaid directed to be sold and the houses thereon built were purchased and erected at the expense of the inhabitants of the said city, and it is but just and reasonable that when the same shall be sold and the money arising from such sale shall be applied to the joint benefit of the said city, district and townships aforesaid that the inhabitants of the said district and townships should pay to the said city their just and reasonable proportion thereof:

[Section V.] Be it therefore enacted by the authority aforesaid, That when the said lot of ground shall be sold as aforesaid there shall be raised and levied, within five years next after such sale, over and above the sums of money that may be necessary during that time for the relief and support of the poor of the said district and townships, by a rate or assessment to be laid on all estates, real and personal, within the said district and townships by the same persons, in the same manner and under the same penalties, to be recovered as the sums of money to be raised for the relief of the poor are or shall be at that time assessed, levied and recovered, so much money as shall be equal to one-fourth part of the sums and sums [*sic*] of money for which the said lot of ground shall be sold; and that the said

money so to be raised and levied on the district and townships aforesaid shall be paid to the [said] treasurer and applied by the managers aforesaid in ease of the inhabitants of the said city towards the relief and support of the poor thereof.

[Section VI.] And be it further enacted by the authority aforesaid, That if the money to be raised as aforesaid by contributions and the sale of the lot of ground aforesaid shall not be sufficient to defray the expense of purchasing the ground and erecting the houses hereinbefore mentioned, it shall and may be lawful to and for the said managers to borrow from any person or persons who shall be willing to lend any sum or sums of money not exceeding in the whole the sum of one thousand pounds, to be applied towards purchasing the ground and erecting the houses aforesaid; and every lender shall immediately receive a certificate in writing, under the seal of the said corporation, for the payment of the sum lent with the interest agreed on, not exceeding six per centum per annum, which certificate shall be registered in a book to be kept for that purpose, and the interest money thereon shall be paid by the said corporation every year.

[Section VII.] And be it further enacted by the authority aforesaid, That all and every lender or lenders, his, her or their executors or administrators, may assign and transfer his, her or their certificate with all his, her or their right or interest therein by an indorsement thereon to any other person or persons and such assignee may in like manner assign again and so *toties quoties* and afterwards it shall not be in the power of the person so assigning to make void, release or discharge the said certificate.

And in order to secure to the said lenders the respective sums of money so lent, with the interest thereof:

[Section VIII.] Be it further enacted by the authority aforesaid, That if the contributions which shall be made and given for the purposes aforesaid from time to time shall not be sufficient to satisfy and discharge the sums so borrowed, with the interest thereon accruing, when they become due, such deficiency shall be paid and satisfied by a just and proportionable rate or tax to be laid, assessed and levied on all the estates, real

and personal, within the city, district and townships aforesaid by the same persons and under the same penalties, to be recovered in the same manner and in the same proportions in the said city, district and townships respectively as the sums of money to be raised for the relief of the poor are or shall at that time be laid, assessed and levied, and when so levied shall be paid to the treasurer of the said contributors to be by the said managers paid in discharge of the said loans, and that the mayor, recorder and two aldermen of the same city for the time being and three justices of the county of Philadelphia, upon such insufficiency appearing to them from the accounts of the said managers, which shall be laid before them for that purpose, shall forthwith certify the same to the overseers of the poor of the said city, district and townships in writing, under their hands, in order that the said deficiency may be laid, assessed and levied in manner aforesaid.

[Section IX.] And be it further enacted by the authority aforesaid, That the accounts of the disbursements of the money for which the said lot of ground shall be sold and of the money to be borrowed on certificate as aforesaid, and of such parts thereof as shall be expended and of the rents and interest of any real and personal estate given to the said corporation, together with an account of such donations, shall be fairly drawn out and published annually in the Pennsylvania Gazette or other newspaper, and that the said corporation shall at all times when required submit their books, accounts, affairs and economy to the inspection and free examination of such visitors as shall be from time to time appointed by the assembly of this province to visit, inspect and examine the same.

[Section X.] And be it further enacted by the authority aforesaid, That the said managers shall not apply or employ any money or other estate expressly given or added to the capital stock in any other way than by applying its annual income, interest or rent towards the purposes mentioned in this act.

[Section XI.] And be it further enacted by the authority aforesaid, That the said managers, as soon as conveniently may be after the publication of this act, shall and they are hereby enjoined and required to purchase a lot or lots of ground adjoining each other in the said city, and to erect thereon a com-

modious building or buildings, and to appropriate one part thereof to be called The Almshouse, to and for the reception and lodging of all such of the poor of the said city, district and townships as shall be incapable of contributing towards their support by their labor, and another part or parts thereof to and for the reception, lodging and employment of all such of the poor of the places aforesaid as shall be able to work, and that the said managers shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor, indigent and needy persons as shall be entitled to relief in the said city, district and townships by the laws of this province and shall be legally sent there by an order or warrant for the same under the hands and seals of any two justices of the peace of the said city or any two justices of the counties within this province respectively, and for that purpose shall hire servants and provide all necessary materials and implements, and shall also receive into the said building or buildings all such persons as shall offer to work, under their care and direction, for their maintenance at such wages that their labor will contribute to the advancement of the design of the said corporation.

[Section XII.] And be it further enacted by the authority aforesaid, That upon complaint made by any two of the said managers that any person, from his or her disorderly conduct, gives disturbance to his or her neighborhood and is likely to become chargeable to the said city, district or townships, it shall and may be lawful for any two magistrates of the said city, or any two justices of the peace of the county of Philadelphia respectively, if, upon hearing the party, they shall adjudge the complaint to be well founded, to commit such disorderly person residing within the said city, district or townships aforesaid respectively to the said house of employment for any time not exceeding three months, unless he or she shall find security, at the discretion of the magistrates or justices aforesaid, in any sum not exceeding fifty pounds, for his or her good behavior and more orderly demeanor during the space of six months, and also upon complaint and due proof made by any two of the said managers to any magistrates of the said city that any person under their care in the said house of employment hath

behaved and demeaned him or herself in a disorderly manner, or hath refused or neglected to do and perform his or her daily labor or task, or hath refused or neglected to obey, keep and observe the ordinances, rules and by-laws of the said corporation, to order and direct such moderate and proper correction to be given to such offender as the nature of the case shall require.

And whereas great numbers of rogues, vagabonds and other idle and dissolute persons frequently come from the neighboring provinces into the said city, district and townships and there take up their abode without following any labor, trade or business, or having any visible means of subsistence, and are not only dangerous members of society, but in the end become burdensome to the public:

[Section XIII.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace of the city or county aforesaid to apprehend and upon due examination and proof commit to the said house of employment all rogues, vagabonds and other idle, dissolute and disorderly persons found loitering or residing in the said city, district or townships aforesaid who follow no labor, trade, occupation or business and have no visible means of subsistence whereby to acquire an honest livelihood, there to be kept at hard labor for any term not exceeding three months, and the said managers are required to receive such persons and employ them according to the tenor of such commitments.

[Section XIV.] And be it further enacted by the authority aforesaid, That for and towards the relief, support and employment of the poor aforesaid the overseers of the poor of the said city, district and townships respectively shall pay the moneys by them respectively levied and raised from time to time for the maintenance, support and employment of their respective poor to the treasurer of the said corporation, after having deducted thereout the charges which shall arise from the reception or removal of their poor respectively, which said money shall be applied and appropriated to and for the uses aforesaid by the said managers and to no other whatever.

[Section XV.] And be it further enacted by the authority aforesaid, That the respective treasurers for the time being, be-

fore they enter on the execution of their offices, shall become bound to the said corporation with one or more sufficient sureties in an obligation of four thousand pounds, conditioned for the true and faithful discharge of their said offices, and that at the expiration of their said respective offices they will well and truly pay and deliver over to the succeeding treasurer all the money, books, accounts, bonds and papers belonging to the said corporation which shall then be remaining in their hands, custody and possession.

Passed February 8, 1766. Referred for consideration by the King in Council, February 11, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXV, Section I, and (the two acts of) Assembly passed February 21, 1767, Chapters 552, 555; September 26, 1767, Chapter 567; February 20, 1768, Chapter 573; February 18, 1769, Chapter 579; May 27, 1769, Chapter 596; March 9, 1771, Chapter 635; April 6, 1776, Chapter 723; March 14, 1777, Chapter 746; March 24, 1778, Chapter 792; April 2, 1779, Chapter 839; November 27, 1779, Chapter 873; March 18, 1780, Chapter 900; March 25, 1782, Chapter 962; March 27, 1789, Chapter 1410; April 9, 1791, Chapter 1558. Repealed by the Act of Assembly passed March 29, 1803, P. L. 507.

CHAPTER DXXXV.

AN ACT TO PREVENT THE DESTRUCTION OF SMALL ROCK-FISH AND TAKING OF OYSTERS AND BRINGING THEM INTO THIS PROVINCE OUT OF SEASON.

Whereas large quantities of oysters have been taken up in the bay of Delaware and elsewhere and sold in this province at moderate prices, to the benefit of the public and great relief of the poor:

And whereas the taking of oysters in the summer season will tend to prevent their future increase and to deprive the markets in this province of that supply of them which otherwise might be continued:

For remedy whereof:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn