

gravel with more than one beast of draught unless the fellies of the wheels of such wagon, wain or cart shall be of the respective dimensions aforesaid, anything herein to the contrary thereof in any wise notwithstanding.

[Section III.] And be it further enacted by the authority aforesaid, That so much of the said recited acts of general assembly as is hereby altered and supplied be and is hereby repealed, and that this act shall continue and be in force for and during the same space of time as the said recited acts do and shall continue and no longer.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II, and the note to the Act of Assembly passed March 26, 1762, Chapter 480. Repealed by the Act of Assembly passed February 18, 1769, Chapter 594.

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## CHAPTER DLV.

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AN ACT TO PREVENT THE MISCHIEFS ARISING FROM THE INCREASE OF VAGABONDS AND OTHER IDLE AND DISORDERLY PERSONS WITHIN THIS PROVINCE.

Whereas the number of rogues, vagabonds and other idle and disorderly persons daily increases in this province, to the great loss and annoyance of the inhabitants thereof:

For remedy whereof:

[Section I.] 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 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 persons who shall unlawfully return to such city, township or place from whence they have been legally removed by order of two justices of the peace without bringing a certificate from

the city, township or place to which they belong, and all persons who, not having wherewith to maintain themselves and their families; live idly and without employment and refuse to work for the usual and common wages given to other laborers in the like work in the city, township or place where they then are, and all persons going about from door to door or placing themselves in streets, highways or other roads to beg or gather alms in the city, township or place where they dwell, and all other persons wandering abroad and begging, and all persons who shall come from the neighboring colonies or any of them into any township or place within this province and shall be found loitering or residing therein and shall follow no labor, trade, occupation or business and have no visible means of subsistence and can give no reasonable account of themselves or their business in such township or place, shall be deemed and are hereby declared to be idle and disorderly persons and liable to the penalties hereby imposed, and that it shall and may be lawful for any justice of the peace of the county where such idle and disorderly persons shall be found to commit such offenders (being thereof legally convicted before him on his own view or by the confession of such offenders or by the oath or affirmation of one or more credible witness or witnesses) to the workhouse of the said county if such there be, otherwise to the common gaol of the county, there to be kept at hard labor by the keeper of such workhouse or gaol for any time not exceeding one month.

[Section II.] And be it further enacted by the authority aforesaid, That if any persons shall be found offending in any township or place against this act it shall and may be lawful for any constable of such township or place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, to apprehend and convey or cause to be conveyed such persons so offending to a justice of the peace of the county, who shall examine and try such offenders and on such confession or proof shall commit them to the workhouse or gaol of the county, there to be kept at hard labor during the term aforesaid; and if any constable after such notice given as aforesaid shall refuse or neglect to use his best endeavors to appre-

hend and convey such offenders before the justice of the peace aforesaid, being thereof legally convicted before such justice of the peace, every such constable shall forfeit and pay to the overseers of the poor of the township or place where such offense shall be committed to the use of the poor thereof the sum of ten shillings, to be levied by distress and sale of the offender's goods by warrant from such justice, and the overplus, if any, after the charge of prosecution and of such distress shall be satisfied, shall be returned to such offender.

[Section III.] And be it further enacted by the authority aforesaid, That any person or persons who shall conceive him, her or themselves aggrieved by any act, judgment or determination of any justice or justices of the peace out of sessions in and concerning the execution of this act, may appeal to the next general quarter sessions of the city or county, giving reasonable notice thereof, whose order thereupon shall be final.

[Section IV.] And be it further enacted by the authority aforesaid, That upon the presentment of any grand jury at any court of general quarter sessions of the peace in and for any county of this province that there is no workhouse and that it will be for the benefit and common good of the same county to erect or provide such house, or that the workhouse already provided is not sufficient and requires repairs or an alteration or enlargement, then, if the justices of the peace in their sessions shall approve of the same, the commissioners and assessors of the county aforesaid, if they unite in judgment with the said justices and grand jury, shall have full power and authority to build, erect, add to or enlarge one convenient workhouse and to purchase a lot or lots for the building such house on, and for defraying the expense, charge and costs thereof shall lay, assess and levy such further and other rate or rates, assessment or assessments, on all estates, real and personal, within their county as shall or may be sufficient for the purposes aforesaid in the same manner and to be collected in the same manner, by the same persons and under the same penalties as is or are enjoined and directed in the laying, assessing, levying and recovering the county rates by the act of general assembly of this province, entitled "An act for raising county rates and levies."<sup>1</sup>

<sup>1</sup> Passed March 20, 1724-25, Chapter 284.

[Section V.] And be it further enacted by the authority aforesaid, That the said justices, in their general quarter sessions, shall, as often as there may be occasion, nominate and appoint some capable, discreet and prudent person to be the keeper of such workhouse, who shall at the expense of the county provide, furnish and supply such sufficient implements, materials and furniture for keeping, setting to work, employing and correcting all idle and disorderly persons, rogues and vagabonds who shall be legally committed to the said house as the said justices and commissioners shall direct, which said expense, together with such sum of money as shall be allowed the said keeper for his labor and trouble in his said office by the justices and commissioners aforesaid shall be paid out of the county stock and shall be laid, raised, levied and recovered in the same manner as by the said recited act other county rates and levies are enjoined and directed to be laid, levied and recovered; and that all materials so found and provided and worked up in the said house shall be the property of the county and shall be sold by such keeper in such manner as the said justices and commissioners shall direct and appoint, and all the proceeds thereof, after deducting the sum or sums expended in the support and victualing such persons so committed, agreeable to the order and directions of the said justices and commissioners, if any, shall be paid by such keeper unto the county treasurer, there to remain liable to the drafts of the county commissioners aforesaid for the payment of the county debts, and that two of the said justices, or any such two of them as shall be appointed at the general quarter sessions of the peace, with one or more of the said commissioners, shall, four times or oftener if need be in every year, visit the said workhouse and examine into the state and management thereof and report the same to the next general quarter sessions aforesaid, to the intent that if anything be amiss or not properly conducted the same may, by order of the said sessions and the county commissioners aforesaid, be reformed and amended.

[Section VI.] Provided always nevertheless, That nothing in this act contained shall be deemed, taken or construed to extend to the apprehending, trial and commitment of any rogues.

vagabonds or other idle, dissolute and disorderly persons found loitering or residing in the city of Philadelphia, district of Southwark or townships of Moyamensing and Passyunk and the Northern Liberties mentioned in the act, entitled "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,"<sup>1</sup> anything in this act contained to the contrary thereof in any wise notwithstanding.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II.

As to Sections I-III and VI, see the Acts of Assembly passed April 5, 1790, Chapter 1516; April 14, 1835, P. L. 232; March 22, 1836, P. L. 173; June 13, 1836, P. L. 539; March 31, 1853, P. L. 266; April 18, 1853, P. L. 726; April 13, 1859, P. L. 595; March 27, 1860, P. L. 300; April 2, 1860, P. L. 536; March 21, 1866, P. L. 259; April 11, 1866, P. L. 720; June 2, 1871, P. L. 1301; May 8, 1876, P. L. 154; May 3, 1878, P. L. 40; April 30, 1879, P. L. 33; (Section I repealed by the Act of Assembly passed) May 17, 1883, P. L. 35; June 13, 1883, P. L. 100; May 18, 1887, P. L. 122; May 23, 1889, P. L. 277; June 16, 1891, P. L. 303; June 26, 1895, P. L. 377.

As to Sections IV and V, see the note to the Act of Assembly passed February 22, 1717-18, Chapter 229.

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## CHAPTER DLVI.

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### AN ACT TO PREVENT INCONVENIENCES ARISING FROM DELAYS OF CAUSES AFTER ISSUE JOINED.

Whereas many great inconveniences have arisen to the inhabitants of this province by means of delaying the trials of causes between party and party after issue joined:

For remedy whereof:

[Section I.] 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

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<sup>1</sup> Passed February 8, 1766, Chapter 534.