

amending and keeping in repair the public roads and highways within this province.”¹ and of one other act of assembly passed in the tenth year of His present Majesty’s reign, entitled “An act to continue the act, entitled ‘An act for the opening and better amending and keeping in repair the public roads and highways within this province,’”² but the same and every part thereof shall continue and remain in force during the term limited in the said acts, saving in such parts as are hereby altered, changed or supplied.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the Acts of Assembly passed April 17, 1795, Chapter 1841; February 12, 1801, Chapter 2130; March 28, 1803, P. L. 476; February 2, 1854, P. L. 21; May 7, 1855, P. L. 464; April 11, 1856, P. L. 319; May 20, 1857, P. L. 590; June 8, 1893, P. L. 360; May 5, 1899, P. L. 193.

CHAPTER DCXXV.

A SUPPLEMENT TO THE ACT, ENTITLED “AN ACT FOR THE BETTER REGULATION OF SERVANTS IN THIS PROVINCE AND TERRITORIES.”³

Whereas in and by the act of assembly passed in the twelfth year of the reign of William the Third, entitled “An act for the regulation of servants in this province and territories,”³ full powers are given to the courts of general quarter sessions in this province to make restitution to the masters and mistresses of such servants as shall absent themselves from their service during the term of their servitude, but no clear and express authority is given to the said courts to order and enforce the delivery and payment of freedom dues to the said servants at the expiration of their servitude, and such servants are left to their remedy by action of covenant, which is attended with so much

¹ Passed May 13, 1765, Chapter 526.

² Passed September 22, 1770, Chapter 614.

³ Passed November 27, 1700, Chapter 49.

expense and trouble that many servants, after having faithfully discharged their duty and servitude, are discouraged from prosecuting their suits and thereby deprived of their just dues:

For the remedying 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 it shall and may be lawful to and for the justices in the court of quarter sessions for the city of Philadelphia, or any county within this province, on complaint made by petition presented to them by any servant who shall have served out his or her time, that his or her last master or mistress, their executors or administrators, have not furnished him or her with freedom dues and performed the covenants in his or her indentures mentioned, to cause the said master or mistress, their executors or administrators, to come before them, and after hearing the allegations of the parties and evidences, if it shall appear to them just and reasonable, to adjudge, order and direct delivery or payment of such freedom dues, sums of money or other things as shall be justly due to the said servant at the expiration of his or her servitude according to law and the covenants in his or her indentures mentioned; and if the said master or mistress, his or her executors or administrators, shall neglect or refuse to comply with such order of the said justices in such time as shall be by them appointed, to adjudge the value of such freedom dues and judgment and award execution, with reasonable costs of suit, to be levied by any constable accordingly; and if the said petitioner shall be by the said justices found to have no just cause of complaint, he or she shall pay all costs, to be recovered and levied in manner aforesaid.

And whereas doubts have arisen whether by virtue of the act to which this is a supplement the justices in their general sessions can, after the expiration of the time of servitude, legally make any order obliging the person who was a servant, and

during his or her servitude had quitted the service of his or her master or mistress, further to serve such former master or mistress as a satisfaction for the damages and charges sustained thereby:

To remove the said doubts and also to provide a just recompense to such master or mistress, his or her executors or administrators, in any case where a servant shall quit his or her service:

[Section II.] Be it enacted by the authority aforesaid, That if any person being a servant shall absent him or herself from the service of his or her master or mistress without leave first obtained, the justices aforesaid shall, at their general quarter sessions, upon application made to them by the master or mistress, his or her executors or administrators, whether such application be before or after the expiration of such person's time of servitude, oblige such person to make a full recompense for the damages and charges the said justices shall adjudge to be sustained by such absence, either by serving five days for every day he or she was so absent, or by such other reasonable satisfaction as to the said justices shall seem meet.

[Section III.] And be it further enacted by the authority aforesaid, That so much of the act of assembly hereinbefore mentioned as relates to servants having a new grubbing hoe, an axe and a weeding hoe at the expiration of their servitude and so much thereof as is hereby altered shall be and is hereby repealed and made null and void.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the note to the Act of Assembly passed November 27, 1700, Chapter 49.