

CHAPTER DCXXXV.

AN ACT FOR THE RELIEF OF THE POOR.

Whereas the laws hitherto made for the relief of the poor have not answered all the good purposes that were expected from them:

[Section I.] Be it therefore 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 the mayor or recorder of the city of Philadelphia, with the aldermen of the said city, or any two of them, and the justices of the peace of the respective counties of this province, or any three of them, shall, on the twenty-fifth day of March, yearly and every year, unless the same shall happen on a Sunday, and in such case on the day following, meet at some convenient place within the said city and in the several counties respectively and there nominate and appoint twelve substantial inhabitants of the said city, four of the Northern Liberties, four of the district of Southwark and two of every borough and other township within their respective jurisdictions to be overseers of the poor of the said city, district, boroughs and townships; for which purpose the overseers going out of office shall, on the day aforesaid, return to the said magistrates and justices the names of twelve substantial inhabitants or more for the city, four or more for the said district, four or more for the said liberties and two or more for each borough and other township, out of which number successors in the said office shall be appointed by the said magistrates and justices for the ensuing year; and if any overseer shall refuse or neglect to make such

return as aforesaid, he shall forfeit and pay any sum not exceeding ten pounds.

Provided always, That the overseer or overseers making such return, shall give notice thereof in writing at least six days before the twenty-fifth day of March to the person or persons whose name or names are so to be returned, or leave the same at his or their dwelling house or place of abode; and if any overseer shall die, fail to make a proper return, remove or become insolvent before the expiration of his office, two of the said aldermen or justices respectively, on due proof being thereof made before them, may appoint another in his stead.

[Section II.] And be it further enacted by the authority aforesaid, That every overseer so nominated and appointed shall, before he enters upon the execution of his office, take an oath or affirmation respectively according to law, which any alderman in the said city or any justice in the county respectively is hereby authorized and empowered to administer:

That he will discharge the office of overseer of the poor truly, faithfully and impartially to the best of his knowledge and ability.

[Section III.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two justices of the peace for the county and the mayor or recorder and any two aldermen of the city of Philadelphia, upon complaint made to them by the managers elected by the contributors to the relief and employment of the poor in the city of Philadelphia, or by a majority of them, that a sum of money is wanting, or likely so to be, to support and employ the poor in the house of employment in the said city, to issue their warrant under their hands and seals directed to the overseers of the poor of the said city, district of Southwark and townships of Moyamensing, Passunk and the Northern Liberties, requiring them forthwith to levy, collect and raise such and the same rate by a joint assessment on all estates, real and personal, and taxables in the manner and under the same penalties within the said city, district and townships hereinafter directed for levying, collecting and raising such rates in the several boroughs and other townships in this province as to the said justices and mayor or re-

recorder and aldermen shall appear necessary for the purposes aforesaid; and if any of the said overseers shall neglect or refuse to levy, collect and raise the said rate so ordered by the said justices, mayor or recorder and aldermen and to pay the same after the charges arising from the reception and removal of their respective poor and of collecting the said rate are deducted to the treasurer of the corporation of contributors to the relief and employment of the poor in the city of Philadelphia within two months after the receipt of such order or warrant, every such overseer, being thereof legally convicted, shall forfeit to the said corporation the sum of fifty pounds.

[Section IV.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the overseers of the poor of the several boroughs and townships within this province (the townships of Moyamensing, Passyunk and the Northern Liberties aforesaid only excepted), having first obtained the approbation of any two justices of the peace in the same county, to make and lay a rate or assessment not exceeding three pence in the pound at one time upon the clear yearly value of all the real and personal estates within the said boroughs and townships respectively, and six shillings per head on every freeman not otherwise rated for his estate in every three penny tax and so in proportion for any lesser rate or assessment, which said assessments may be repeated by the authority aforesaid as often in one year as shall be found necessary for the support of the poor, to be employed in providing proper houses and places and a convenient stock of hemp, flax, thread and other ware and stuff for setting to work such poor persons as apply for relief and are capable of working, and also for relieving such poor, old, blind, impotent and lame persons or other persons not able to work within said boroughs and townships respectively, who shall therewith be maintained and provided for.

[Section V.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the overseers of the poor of the said boroughs and townships to contract with any person or persons for a house or lodging for keeping, maintaining and employing any or all such poor in said boroughs and townships respectively as shall be adjudged proper

objects of relief, and there to keep, maintain and employ all such poor persons and take the benefit of their work, labor and service for and towards their maintenance and support; and if any poor person shall refuse to be lodged, kept, maintained and employed in such house or houses, he or she shall be put out of the book and shall not be entitled to receive relief from the overseers during such refusal.

[Section VI.] And be it further enacted by the authority aforesaid, That the overseers of the said boroughs and townships, in laying the said rates, shall be guided by the county assessment on other occasions, having due regard to every man's estate within the borough or township so to be rated and assessed, and shall enter such rates fairly in a book, of which a fair duplicate signed by them shall be delivered to the justices, who shall allow the same if they find it just and reasonable without fee or reward, and shall permit any inhabitant to inspect the rates at all seasonable times without any fee or reward, and shall give copies on demand, being paid at the rate of six pence for every twenty-four names, and if any overseers shall not permit any inhabitant to inspect or shall refuse to give copies as aforesaid, he shall forfeit twenty shillings to the party grieved, to be recovered as debts under forty shillings are directed by law to be recovered.

[Section VII.] And be it further enacted by the authority aforesaid, That if any person or persons so rated or assessed in the said city or district or any borough or township shall refuse to pay the sum or sums on them charged, it shall and may be lawful to and for the said overseer or overseers (having first obtained a warrant under the hand and seal of any magistrate of the said city or any justice of the peace of the county respectively where the said assessment is made, who is hereby empowered to grant such warrant) to levy the same on the goods and chattels of the person or persons so refusing; and in case such person shall not, within three days next after such distress made, pay the sum or sums on him assessed, together with [the] charge of such distress, that the said overseer or overseers may proceed to the sale of the goods distrained, rendering to the owner the overplus (if any) that shall remain on

such sale, reasonable charges being first deducted; and in case such person or persons have no goods and chattels whereby they may be distrained, it shall be lawful for the said justices, magistrates or justice respectively to commit the offenders to prison, there to remain without bail or mainprise until they have paid the same. Provided always, That if any person or persons shall find him, her or themselves aggrieved with such rate or assessment, it shall be lawful for the magistrates or justices of the peace, at their next general quarter sessions for the city or county respectively, upon petition of the party, to take such order therein as to them shall be thought convenient, and the same to conclude and bind all parties; and the overseers shall forbear to proceed in such sale till the same be determined in the quarter sessions.

[Section VIII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the managers of the house of employment in the city of Philadelphia, or a majority of them, and the overseers of the poor of the boroughs and townships aforesaid, by the approbation and consent of two or more magistrates of the said city, or two justices of the peace of the county, to put out as apprentices all such poor children whose parents are dead or shall be by the said magistrates or justices and managers found unable to maintain them, males to the age of twenty-one and females to the age of eighteen years.

[Section IX.] And be it further enacted by the authority aforesaid, That no person or persons shall be admitted or entered in the poor book of the said house of employment or of any of the said boroughs or townships, or receive relief, before such person or persons shall have procured an order from two magistrates or justices of the peace for the same; and in case the said managers or overseers shall enter in their books or relieve any such poor person or persons without such order, they shall forfeit all such money or goods so paid or distributed unless such entry and relief shall be approved of by two magistrates or justices as aforesaid.

[Section X.] And be it further enacted by the authority aforesaid, That the overseers of the city of Philadelphia, the

district of Southwark and the townships of the Northern Liberties, Moyamensing and Passyunk shall, on the twenty-fifth day of March, in every year or within six weeks after, render to the justices of the county of Philadelphia and to the magistrates of the said city respectively, or to any three of them, the mayor or recorder being one, a just account in writing, fairly entered in a book to be kept for that purpose and signed by them, of all sums by them received or rated, and not received, and of all money paid by such overseers, and of all other things concerning their office; which accounts, when settled, shall be signed by the said justices or magistrates, who shall have full power to allow such parts thereof only as to them shall seem just and reasonable; and if any such overseer or overseers shall refuse or neglect to make and yield up such accounts within such time, or if any overseer or overseers whose office that year expires shall refuse or neglect to pay all the moneys raised by assessments which shall remain in their hands after deducting the charge of receiving and removing paupers as aforesaid, and also all other moneys which shall remain in their hands by fines, forfeitures or donations, to the treasurer of the said corporation of contributors, and deliver up the said books and everything in his or their hands concerning the said office to his or their successor or successors, or shall refuse or neglect to collect and pay to the treasurer all such sums of money as are uncollected on the rate or assessment at the expiration of his or their office which they are hereby enabled to collect by warrant under the hand and seal of any one magistrate within the said city, or justice within the said county respectively within six weeks after his or their going out of office, it shall and may be lawful to and for the said justices and magistrates respectively, or any three of them, to commit such overseer or overseers to the common gaol, there to remain without bail or mainprise till such overseer or overseers shall give such account and pay and yield up such money, books and other things as they ought in manner aforesaid.

[Section XI.] And be it further enacted by the authority aforesaid, That the freeholders of every borough and township in this province (except the townships of the Northern Liber-

ties, Moyamensing and Passyunk) shall meet together on the third Saturday in March, yearly and every year, and choose by tickets in writing three capable and discreet freeholders to settle and adjust the accounts of the overseers of the poor of the respective boroughs and townships for the preceding year, and the person who shall have served the office of overseer shall, on the said day or within fifteen days after, deliver and render to the said freeholders a just account in writing entered in a book to be kept for that purpose and signed by him of all sums by him received, and also of all materials that have come to his hands during his office, or that shall be in his hands or in the hands of any of the poor to be wrought, and of the produce of the labor of the poor under his care, and of all money paid by such overseers and of all other things concerning his office, which accounts, when settled, shall be signed by the said freeholders, or any two of them, who shall have full power to allow such parts thereof only as to them shall appear just and reasonable; and the said overseers shall make fair entries in a book of the names of all the poor within their respective boroughs and townships, with the time when each of them became chargeable, and of all certificates delivered to them and by whom, with the times when the same were delivered, for which trouble the said freeholders, or any two of them, shall, on settling their accounts, make such allowances as they shall judge reasonable, and if any of the said overseers shall refuse or neglect to make and yield up such books and accounts within the time as aforesaid, or if any such whose office shall expire shall refuse or neglect to pay over the money and deliver up the books aforesaid and every other thing in his hands concerning his said office to his successors, or shall refuse or neglect to collect and pay to such successors all such sums of moneys as are uncollected on the rate or assessment at the expiration of his office (which he is hereby empowered to collect by warrant to be issued under the hand and seal of any one justice of the peace in and for his respective county) within thirty days after his going out of office, it shall and may be lawful to and for any justice of the peace of the said county to commit such overseer to the common gaol, there to remain without bail or mainprise till such overseer shall give such ac-

counts and pay and deliver up such money, books and other things as he ought in manner aforesaid.

Provided always nevertheless, That if any person shall think himself aggrieved by the settlement of his account by the said freeholders, he may (having first paid over to his successors the balance found in his hands, if any such there be) appeal to the next county court of quarter sessions, who shall, on the petition of the party, take such order therein and give such relief as to them shall appear just and reasonable, and the same shall conclude all parties.

[Section XII.] And be it further enacted by the authority aforesaid, That the overseers of the poor of the boroughs and townships within the several counties of this province (except as before excepted) shall, at least five days before the third Saturday in March, yearly and every year during the continuance of this act, give public notice in writing, by affixing the same in four or more of the most public places in their respective boroughs and townships, of the place where the inhabitants and freeholders of the several boroughs and townships shall meet to elect the freeholders aforesaid for each and every of the said boroughs and townships according to the directions of this act, which place so appointed for the said election shall be as near the center of the respective boroughs and townships as conveniently may be.

[Section XIII.] And be it further enacted by the authority aforesaid, That if any person appointed as overseer of the poor of the city of Philadelphia shall refuse or neglect to take upon him the said office, he shall forfeit twenty pounds to the overseers of the poor of the said city for the use of the poor thereof; and if any person appointed as overseer of the poor of any borough, township or place shall refuse or neglect to take upon him the said office, he shall forfeit five pounds to the overseers of the poor of the said borough, township or place for the use of the poor thereof; and the said forfeitures shall be levied by warrant from any two justices of the peace of the county, or any two magistrates of the city of Philadelphia respectively, under their hands and seals, on the goods and chattels of such person or persons so neglecting or refusing and sold within three days next

after such distress made; and if there happen any overplus upon sale thereof, the same shall be paid to the owner or owners, reasonable charges being first deducted; and if such person or persons so neglecting or refusing as aforesaid shall not have goods or chattels whereby he or they may be distrained as aforesaid, that then the said justices may commit the offender or offenders to prison, there to remain without bail or mainprise till the said forfeitures shall be fully satisfied and paid. And if any overseer shall remove, he shall, before his removal, deliver over to some other overseer of the city, borough, township or place from which he removes his accounts as aforesaid, with all assessments, books, papers, money and other things concerning his office; and upon the death of any overseer, his executors or administrators shall, within forty days after his decease, deliver over all things concerning his office to some other overseer as aforesaid, and shall pay out of the assets all money remaining due which he received by virtue of his office before any of his other debts are paid.

[Section XIV.] And be it further enacted by the authority aforesaid, 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 in the whole, including all gifts, grants, devises and bequests heretofore made, the yearly value of five hundred pounds to the poor of any borough or township within this province (except the townships as before excepted) 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 borough or township for the use of their poor respectively.

[Section XV.] And be it further enacted by the authority aforesaid, That the said overseers of the poor for the city, boroughs, district and townships 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 city,

boroughs, district and townships may sue and be sued and plead and 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, goods, chattels, sum or sums of money not exceeding in the whole, including all gifts, grants, devises and bequests heretofore made, the aforesaid yearly value of five hundred pounds, to and for the use and benefit of the poor of each of the said city, or each of the said boroughs, district or townships 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 forever.

[Section XVI.] And be it further enacted by the authority aforesaid, That if any person who shall come to inhabit in the said city of Philadelphia or in any borough, township or place in this province shall, for himself and on his own account, execute any public office, being legally placed therein, in the said city, borough, township or place during one whole year, or if any person shall be charged with and pay his or her share towards the public taxes or levies for the poor of the said city, borough, township or place for two years successively, or if any person shall really and bona fide take a lease of any lands or tenements in the said city or in a borough, township or place of the yearly value of ten pounds, and shall dwell in or upon the same for one whole year and pay the said rent, or shall become seized of any freehold estate in any lands or tenements in the said city or in any borough, township or place in this province, and shall dwell in or upon the same for one whole year; or if any unmarried person not having children or child shall be lawfully bound or hired as a servant in the said city or any of the boroughs, townships or places aforesaid and shall continue and abide in such service during one whole year, or if any person shall be duly bound an apprentice by indenture and shall inhabit in the said city or in any borough, township or place with his or her master or mistress for one whole year, such persons in any of these cases shall be adjudged and deemed to gain a legal settlement in the said city, borough, township or place respectively where such person shall so execute an office,

be charged with and pay taxes, take such lease or own any such freehold estate and dwell thereon as aforesaid, or being hired or bound, shall continue and inhabit in a place for one whole year as aforesaid.

[Section XVII.] And be it further enacted by the authority aforesaid, That every indented servant legally and directly imported from Europe into this province shall obtain a legal settlement in the city, borough, township or place in which such servant shall first serve with his or her master or mistress the space of sixty days, and if afterwards such servant shall duly serve in any other place for the space of twelve months, such servant shall obtain a legal settlement in the city, borough, township or place where such service was last performed, either with his or her first master or mistress or on an assignment; and all mariners coming into this province and every other healthy person directly coming from Europe into this province shall be legally settled in the city, borough, township or place in which he or she shall first settle and reside for the space of twelve months.

[Section XVIII.] And be it further enacted by the authority aforesaid, That every married woman shall be deemed during coverture and after her husband's death to be legally settled in the place where he was last legally settled; but if he shall have no known legal settlement, then she shall be deemed, whether he is living or dead, to be legally settled in the place where she was last legally settled before her marriage.

[Section XIX.] And be it further enacted by the authority aforesaid, That if any person or persons after the publication of this act shall come out of the city of Philadelphia or any borough, township or place into another borough, township or place within this province, or shall come out of any borough, township or place in this province into the city of Philadelphia, there to inhabit and reside, and shall at the same time procure, bring and deliver unto the overseers of the poor of the city, borough, township or place where he or she shall come to inhabit a certificate under the hands and seals of the overseers of the poor of the city, borough, township or place from whence he, she or they removed, to be attested by two or more credible wit-

nesses, thereby acknowledging the person or persons mentioned in the said certificate to be an inhabitant or inhabitants legally settled in that city, borough, township or place, every such certificate, having been allowed of and subscribed by one or more justices of the peace of the city or of the county where such borough, township or place doth lie, shall oblige the said city, borough, township or place to provide for the persons mentioned in the said certificate, together with his or her family as inhabitants of that place, whenever he, she or they shall happen to become chargeable to or be obliged to ask relief of the city, borough, township or place to which such certificate was given and into which he, she or they were received by virtue of the said certificate; and then, and not before, it shall and may be lawful for any such person and his or her children, though born in the city, borough, township or place, and his and her servants or apprentices, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled in the city, borough, township or place from whence such certificate was brought, and the witnesses who attest the execution of the certificate by the overseers or one of the said witnesses shall make oath or affirmation according to law before the justices who are to allow the same, that such witness or witnesses did see the overseers of the poor whose names and seals are thereunto subscribed and set severally sign and seal the said certificate, and that the names of such witnesses attesting the said certificate are of their own proper handwriting, which said justices shall also certify that such oath or affirmation was made before them, and every such certificate so allowed and oath or affirmation of the execution thereof so certified by the said justices shall be taken and received as evidence without other proof thereof, and no person so coming by certificate into the said city or any borough, township or place, nor an apprentice or servant to such person, shall be deemed or adjudged by any act whatsoever to have gained a legal settlement therein unless such person shall after the date of such certificate execute some public annual office, being legally placed therein in the said city, borough, township or place.

[Section XX.] And be it further enacted by the authority

aforesaid, That no person whatsoever who shall come into any city, borough, township or place without such certificate as aforesaid (mariners and other healthy persons coming from Europe as aforesaid excepted), shall gain a legal settlement therein unless such person shall give security if required at his or her coming into the same for indemnifying and discharging the said city, borough, township or place, to be allowed by any one magistrate or justice of the peace respectively.

[Section XXI.] And be it further enacted by the authority aforesaid, That upon complaint being made by the overseers of the poor of the said city to any one or more of the magistrates of the said city, or by the overseers of the poor of any borough, township or place, to one or more of the justices of the peace of the county wherein such borough, township or place is situate, it shall and may be lawful to and for any two magistrates of the said city, or any two justices of the said county respectively, where any person or persons is or are likely to become chargeable to the said city, borough, township or place, in which he, she or they shall come to inhabit, by their warrant or order directed to the said overseers, to remove and convey such person or persons, to the city, borough, township, province or place where he, she or they was or were last legally settled, unless such person or persons shall give sufficient security to discharge and indemnify the said city, borough, township or place to which he, she or they is or are likely to become chargeable as aforesaid.

Provided always, That if any person or persons shall think him, her or themselves aggrieved by any order of removal made by any of the said justices or magistrates, such person or persons may appeal to the justices of the peace at their next general quarter sessions of the peace for the county from whence such poor persons shall be removed and not elsewhere, which said court shall determine the same, and if there be any defects of form in such order, the justices in the said sessions shall cause the same to be rectified and amended without any cost to the party, and after such amendment shall proceed to hear the truth and merits of the cause, but no such order of removal shall be proceeded upon unless reasonable notice be given by the overseers of the city, borough, township or place, appealing unto

the overseers of the city, borough, township or place from which the removal shall be, the reasonableness of which notice shall be determined by the justices at the quarter sessions to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the appeal to the next quarter sessions and there determine the same.

[Section XXII.] And be it further enacted by the authority aforesaid, That for the more effectual prevention of vexatious removals and frivolous appeals, the justices in sessions upon any appeal concerning the settlement of any poor person, or upon any proof before them there to be made of notice of any such appeal to have been given by the proper officer to the overseers of the said city or of any borough, township or place (though they did not afterwards prosecute such appeal), shall at the same sessions order to the party in whose behalf such appeal shall be determined or to whom such notice did appear to have been given such costs and charges as by the said justices in their discretion shall be thought most reasonable and just, to be paid by the overseers or any other person against whom such appeal shall be determined or by the person that did give such notice, and if the person ordered to pay such costs and charges shall live out of the jurisdiction of said court, any justice where such person shall inhabit shall, on request to him made and a true copy of the order for the payment of such costs and charges, certified under the hand of the clerk of the court, by his warrant cause the same to be levied by distress, and if no such distress can be had, shall commit such persons to the common gaol, there to remain without bail or mainprise until he pays the said costs and charges, and if the said justices on such appeal shall determine in favor of the appellant that such poor person was unduly removed, they shall at the same quarter sessions order and award to such appellant so much money as shall appear to the said justices to have been reasonably paid by the city, borough, township or place on whose behalf such appeal was made towards the relief of such poor person between the time of such undue removal and the determination of such appeal, with the costs aforesaid, the said money so awarded

and the costs to be recovered in the same manner as costs and charges awarded against an appellant are to be recovered by virtue of this act as aforesaid.

[Section XXIII.] And be it further enacted by the authority aforesaid, That if any house-keeper or inhabitant of this province shall, after the publication of this act, take into, receive or entertain in his or her house or houses any person or persons whatsoever (all mariners coming into this province and every other healthy person coming from Europe immediately into the said province only excepted) not being persons who have gained a legal settlement in some city, borough, township or place within this province, and shall not give notice in writing, which they are hereby required to do, within three days next after the taking into or entertaining any person or persons in his or her house within the city of Philadelphia, to the overseers of the poor of the said city, and within ten days next after taking into or entertaining any person or persons in his or her house in any borough, township or place within this province, to the overseers of the poor of the borough, township or place where such person dwells, such inhabitant or house-keeper, being thereof legally convicted by testimony of one credible witness on oath or affirmation before any one magistrate of the said city of Philadelphia or before any one justice of the peace of the county where such person dwells, shall forfeit and pay the sum of twenty shillings for every offense, the one moiety for the use of the poor of the said city, borough, township or place respectively, and the other moiety to the informer, to be levied on the goods and chattels of the delinquents in the manner hereinafter directed; and for want of sufficient distress the offender to be committed to the workhouse of the said city or county, there to remain without bail or mainprise for the space of ten days; and, moreover, in case the person or persons so entertained or concealed shall become poor and unable to maintain him or herself and cannot be removed to the place of his or her last legal settlement in any other province, if any such he or she hath, or shall happen to die and not have wherewithal to defray the charges of his or her funeral, then and in such case the house-keeper or person convicted of entertaining or conceal-

ing such poor person against the tenor of this act shall be obliged to provide for and maintain such poor and indigent person or persons, and in case of such poor person's death shall pay the overseers of the poor so much money as shall be expended on the burying of such poor and indigent person or persons, and upon refusal so to do, it shall be lawful for the overseers of the poor of the said city, borough, township or place respectively, and they are hereby required to assess a sum of money on the person or persons so convicted from time to time by a weekly assessment for maintaining such poor and indigent person or persons, or assess a sum of money for defraying the charges of such poor person's funeral, as the case may be; and in case the party convicted shall refuse to pay the sum of money so assessed or charged to the overseers of the poor for the uses aforesaid, the same shall be levied on the goods and chattels of the offender in the manner hereinafter directed; but if such persons so convicted have no goods or chattels to satisfy the money so assessed for him or her to pay, that then it shall and may be lawful for the said magistrates or justices to commit the offender to prison, there to remain without bail or mainprise until he or she hath paid the same or until he or she shall be discharged by due order of law.

[Section XXIV.] And be it further enacted by the authority aforesaid, That if any person be removed by virtue of this act from one county, city, borough, township or place to another by warrant or order under the hands and seals of two justices of the peace or magistrates as aforesaid, the overseers of the poor of the city, borough, township or place to which the said person shall be so removed are hereby required to receive the said person; and if any of the said overseers shall refuse or neglect so to do, he or they so offending, upon proof thereof by one or more credible witnesses upon oath or affirmation before any one of the magistrates or justices of the peace of the city or county where the offender doth reside, shall forfeit for every such offense the sum of five pounds to the use of the poor of the city, borough, township or place from which such person was removed, to be levied by distress and sale of the offender's goods by warrant under the hand and seal of the said magistrate or

justice of the peace, which he is hereby required and empowered to make, directed to the constable of the city, borough, township or place where such offender or offenders dwell, returning the overplus, if any be, to the owner or owners, and for want of sufficient distress, then the offender to be committed to the gaol of the county where he dwells, there to remain without bail or mainprise for the space of forty days.

And whereas it often happens that poor persons, sometimes with certificates and sometimes without, come from the city of Philadelphia into some township or place within this province, and from some place or township of this province into the said city of Philadelphia, or into some other township of this province, and conceal themselves until they become sick or lame and cannot be removed, or die before they can be removed, by reason whereof the inhabitants of the city, borough, township or place where such poor person or persons fell sick or died are put to charges without any means to relieve themselves from the payment of the moneys expended for the maintenance or burying of such poor person or persons:

[Section XXV.] Be it therefore enacted by the authority aforesaid, That if any poor person or persons shall come out of the city of Philadelphia into any borough, township or place within this province, or shall come out of any borough, township or place within this province into the city of Philadelphia, or any other township or place within this province and shall happen to fall sick or die before he or she have gained a legal settlement in the city, borough, township or place to which he or she shall come, so that such person or persons cannot be removed, the overseers of the poor of the city, borough, township or place into which such person or persons is or are come, or one of them, shall, as soon as conveniently may be, give notice to the overseers of the poor of the city, borough, township or place where such person or persons had last gained a legal settlement or to one of them of the name; circumstances and condition of such person or persons; and if the overseers of the poor to whom such notice shall be given shall neglect or refuse to pay the moneys expended for the use of such poor person or persons and to take order for relieving and maintaining such

poor person or persons, or in case of his, her or their death before notice can be given, as aforesaid, shall, on request being made, neglect or refuse to pay the moneys expended in maintaining and burying such poor person or persons, then and in every such case it shall be lawful for any two justices of the peace of the city or county where such poor person or persons were last legally settled and they are hereby authorized and required, upon complaint made to them, to cause all such sums of money as were necessarily expended for the maintenance of such poor person or persons during the whole time of his, her or their sickness, and in case he, she or they die, for his, her or their burial, by warrant under their hands and seals, to be directed to some constable of the city or county respectively, to be levied by distress and sale of the goods and chattels of the said overseer or overseers of the poor so neglecting or refusing, to be paid to the overseer or overseers of the city, borough, township or place where such poor person or persons happened to be sick or to die, as aforesaid, and the overplus of the moneys arising by sale of such goods remaining in the constable's hands after the sum of money ordered to be paid, together with the costs of distress are satisfied, shall be restored to the owner or owners of the said goods.

Provided always, That if any of the overseers shall think him or themselves aggrieved by any sentence of such justices or by their refusal to make any order as is aforesaid, he or they may appeal to the justices of the peace at their next court of quarter sessions for the county where such justices reside and not elsewhere, who are hereby authorized and required to hear and finally to determine the same.

[Section XXVI.] And be it further enacted by the authority aforesaid, That the father and grandfather and mother and grandmother and the children of every poor, old, blind, lame and impotent person or other poor person not able to work, being of sufficient ability, shall, at their own charges, relieve and maintain every such poor person as the magistrates or the justices of the peace at their next general quarter sessions for the city or county where such poor persons reside shall order and direct,

on pain of forfeiting forty shillings for every month they shall fail therein.

And whereas it sometimes happens that men separate themselves without reasonable cause from their wives and desert their children, and women also desert their children, leaving them a charge upon the said city or upon some borough, township or place aforesaid, although such person may have estates which should contribute to the maintenance of such wives or children:

[Section XXVII.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the overseers of the poor of the said city, having first obtained a warrant or order from two magistrates of the said city, or for the overseers of any borough, township or place where such wife or children shall be so left or where such wife or children shall be so neglected, having first obtained a warrant or order of any two justices of the peace of the county, to take and seize so much of the goods and chattels and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother as such two magistrates or justices shall order and direct for providing for such wife and for maintaining and bringing up such child or children, which warrant or order being confirmed at the next quarter sessions for the city or county respectively, it shall and may be lawful for the justices there to make an order for the overseers to dispose of such goods and chattels by sale or otherwise, or so much of them for the purposes aforesaid as the court shall think fit, and to receive the rents and profits or so much of them as shall be ordered by the said sessions of his or her lands and tenements for the purposes aforesaid; and if no estate, real or personal, of such husband, father or mother can be found wherewith provision may be made as aforesaid, it shall and may be lawful to and for the said justices in their court of quarter sessions for the city or county respectively to order the payment of such sums as they shall think reasonable for the maintenance of any wife or children so neglected, and commit such husband, father or mother to the common gaol, there to remain until he or she comply with the said order, give security for the performance thereof or be other-

wise discharged by the said justices; and on complaint made to any magistrate of the city of Philadelphia or to any justice of the peace in any county of any wife or children being so neglected, such magistrate or justice shall take security from the husband, father or mother neglecting as aforesaid for his or her appearance at the next general quarter sessions, there to abide the determination of the said court, and for want of security to commit such persons.

[Section XXVIII.] And be it further enacted by the authority aforesaid, That the several fines, forfeitures and penalties, sum and sums of money, imposed or directed to be paid by this act and not herein otherwise directed to be recovered, the same and every of them shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender by warrant under the hands and seals of one or more of the aldermen of the city of Philadelphia for the said city, and under the hand and seal of any one justice of the county where the delinquent or offender dwells or is to be found, and after satisfaction made of the respective forfeitures, fines, penalties and sums of money directed to be levied by such warrant as aforesaid, together with such legal charges as shall become due on the recovery thereof, the overplus, if any, to be returned to the owner or owners of such goods and chattels, his or her executors or administrators.

Provided always, That if any person or persons shall find him or themselves aggrieved with any judgment of the justices given out of their sessions in pursuance of this act, such person or persons may appeal to the next general quarter sessions of the peace for the county or city where sentence was given (except in cases of removals and cases of poor persons becoming chargeable in one place, who are legally settled in another, as is otherwise provided for by this act) whose decision in all such cases shall be conclusive.

[Section XXIX.] And be it further enacted by the authority aforesaid, That if any action shall be brought against any overseer or other person, who in his aid and by his command shall do anything concerning his office, he may plead the general issue and give this act and any special matter in evidence; and

if the plaintiff shall fail in his action, discontinue the same, or become nonsuit, he shall pay double costs.

[Section XXX.] And be it further enacted by the authority aforesaid, That an act of the general assembly of this province, entitled "An act for the relief of the poor,"¹ and another act, entitled "An act for supplying some defects in the law for the relief of the poor;"² and another act, entitled "A supplement to the several acts of assembly of this province for the relief of the poor;"³ and another act, entitled "An act for amending the laws relating to the poor,"⁴ be and are hereby repealed, annulled and made void.

[Section XXXI.] Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed or construed to extend to, abridge, alter or change the powers and duties of the present respective overseers of the poor in any city, borough, township or place within this province, but that they the said overseers of the poor shall continue to hold, exercise, do and perform the respective duties to their offices belonging until the twenty-fifth day of March next, as fully and amply to all intents and purposes as if this act had not been made, anything herein contained to the contrary notwithstanding.

[Section XXXII.] And be it further enacted, That so much of the act of assembly passed in the sixth year of His present Majesty's reign, 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,"⁵ as relates to the applying the moneys which shall be raised in the said city, district and townships for the maintenance, support and employment of their respective poor or is otherwise hereby altered or supplied shall be and is hereby declared to be repealed, null and void.

[Section XXXIII.] And be it further enacted by the authority aforesaid, That this act shall continue in force for the space

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

² Passed May 31, 1718, Chapter 237.

³ Passed March 29, 1735, Chapter 336.

⁴ Passed August 12, 1749, Chapter 379.

⁵ Passed February 8, 1766, Chapter 534.

of five years and from thence to the end of the next sitting of assembly, and no longer.

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 notes to the Acts of Assembly passed November 27, 1700, Chapter 23; January 12, 1705-6, Chapter 154; May 31, 1718, Chapter 237; March 29, 1735, Chapter 336; August 19, 1749, Chapter 379; February 8, 1766, Chapter 534. Because of the number of special acts relating to the care and relief of the poor, and the space that a complete annotation would necessarily occupy, the Commission has deemed it best not to annotate this act.

CHAPTER DCXXXVI.

AN ACT FOR REGULATING AND CONTINUING THE NIGHTLY WATCH, ENLIGHTENING THE STREETS, LANES AND ALLEYS OF THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas the well ordering and regulating the watch and enlightening the streets, lanes and alleys in the night time within the city of Philadelphia have been found on experience very necessary to prevent fires, murders, burglaries, robberies, breaches of the peace and other outrages and disorders:

[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 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 it shall and may be lawful for Samuel Morton, Thomas Mifflin, Edward Duffield, Jacob Winey, Moore Furman and Joshua Humphreys, gentlemen, who are hereby styled wardens, or the greater number of them, as soon as conveniently they can after the publication of this act, and having qualified themselves as is hereinafter directed, to meet together at the court-house of the said city and for those who, in pursuance of this act, shall succeed them in the said trust in like manner to