

the authority of the same, That the administrators of the said John Hocker, deceased, be, and they are hereby authorised on behalf of the heirs, of the said deceased, to convey to the said John Hocker, his heirs and assigns, the lot of land aforesaid, agreeably to the butts, boundaries and terms of the agreement aforesaid.

Approved March 28, 1803. Recorded in L. B. No. 9, p. 121.

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### CHAPTER MMCCCLXVIII.

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AN ACT FOR THE CONSOLIDATION AND AMENDMENT OF THE LAWS, AS FAR AS THEY RESPECT THE POOR OF THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK, AND THE TOWNSHIP OF THE NORTHERN LIBERTIES.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the corporation of the city of Philadelphia, in select and common council assembled, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties, or a majority of them, shall meet on the third Monday in May next, at three o'clock in the afternoon, at the several places herein after mentioned; that is to say, the select and common councils of the city of Philadelphia, shall meet in the city hall at the time aforesaid, and by the joint vote of said councils elect, viva voce, sixteen substantial house-keepers, inhabitants of the said city; and the corporation of the district of Southwark shall, at the same time, meet in the commissioners' hall, in the said district, and then and there elect in manner aforesaid, six substantial house-keepers, inhabitants of said district; and the justices of the peace in the Northern Liberties, or a majority of them, shall at the time aforesaid, meet at the town house in the Northern Liberties, and then and there elect eight substantial house-keepers, in manner aforesaid, who shall be inhabitants of said township,

to be guardians of the poor in the said city, district and township; and the said select and common council, the corporation of Southwark, and the justices of the Northern Liberties, shall forthwith direct their respective clerks to give notice in writing to each of the persons so chosen, of their appointment, within two days thereafter; and after the appointment of managers as hereinafter directed, who shall be taken in the ratio aforesaid, as near as may be from the city district and township aforesaid, the whole number of guardians remaining shall be equally divided by lot, so that one half, as near as may be, of those for the city, district and township, shall be included in said equal division, which one half of said whole remaining number, shall continue in office for six calendar months, and no longer; and the other half shall continue until the twenty-first day of May, one thousand eight hundred and four, and no longer; and on the third Monday in November next, or within ten days thereafter, the corporation of the city, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties, or a majority of them, shall again meet, at the several places in the respective districts before mentioned, at three o'clock in the afternoon, and then and there in manner aforesaid, elect and constitute successors to serve for one year, in the stead of those who shall go out of office; and so every third Monday in May, and every third Monday in November annually thereafter, the said corporation of the city of Philadelphia in select and common council assembled, the corporation of the district of Southwark, and the justices of the peace of the Northern Liberties, or a majority of them, shall meet as aforesaid, and appoint one half of the said guardians to supply the place of those who shall go out of office, (including those appointed as managers when their times shall expire) yearly, in order that there may be always some experienced persons in office; and if any guardian shall die or remove out of the said city, district or township, for which he may have been elected, before the expiration of his office, the president of the board of guardians shall without delay, after having received satis-

factory information of the death or removal of any such guardian, direct and cause such vacancy to be supplied within ten days after such information, so by him received, in manner before directed and pointed out: Provided always, that all elections for guardians of the poor, in manner aforesaid, shall be conducted with open doors.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That every guardian elected in manner before directed, shall within ten days after his appointment, and before he enters upon the execution of his office, take an oath or affirmation according to law, which the mayor or recorder or any of the aldermen in the said city, or justice of the peace in the said district or township, is hereby authorized to administer, that he will discharge the office of guardian of the poor truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the necessary oath or affirmation, for the faithful execution of said office, within the time aforesaid, he shall forfeit and pay the sum of sixty dollars, for the use of the poor of the said city, district and township aforesaid: Provided always, that no person shall be appointed a guardian of the poor, of the said city, district or township aforesaid, who is not a citizen of this state.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said guardians of the poor for the time being, shall be a body politic and corporate in law, by the name of "The guardians of the poor of the city of Philadelphia, the district of Southwark and township of the Northern Liberties," with all the privileges, powers and faculties of a body politic and corporate; and by that name may take and hold, all the estate real and personal, now vested in the present guardians of the poor of the city, district and township aforesaid; and also any other real estate, to them and their successors, not exceeding the value of sixteen thousand dollars; and take and hold goods and chattels to them and their successors, be the said real or personal estate conveyed to them, by gift, grant, bequest, or other alienation whatever; and may sue and be sued, plead and

be impleaded, in courts of record or any other place whatever, and make such laws, rules and orders, as shall appear to them or a majority of them, to be useful and necessary for the government of the said corporation, its officers, estates, property and the business and affairs in general of the same: Provided, that such laws, rules and orders be not inconsistent to the constitution and laws of this state, or of the United States.

Section IV.( Section IV, P L.) And be it further enacted by the authority aforesaid, That the said guardians of the poor or a majority of them, shall meet at the house of employment on the fourth Monday in May next, and appoint eight of their number, four to be taken from the said city, two from the said district, and two from the said township, in order to superintend the almshouse and house of employment in the said city; who shall forthwith after their appointment, divide themselves by lot into two classes, the time of service of the first class shall end at the expiration of six months, and that of the second class at the expiration of one year from their first appointment; and on the fourth Monday in May and November annually, the places of those whose time of service has expired, shall be supplied by a new election of persons, in the proportion aforesaid for one year, from the body of guardians of the poor, so that four shall be appointed every six months; and the said eight managers shall exercise all the authorities of the present managers of the said institution, not inconsistent with the provisions and regulations of this act; the books of the managers shall at all times be open to the inspection and examination of the guardians of the poor at the almshouse, and the said managers shall during their continuance in office, be exempted from all other duties of office required of the guardians, and from the duties of jurors; and the whole duties of the guardians shall be performed by the remaining guardians who are not managers, who shall also be exempted from the duties of jurors during their continuance in office; the said managers shall also, previously to their entering on the execution of the office of manager, respectively take an oath or affirmation according to

law, which the mayor or recorder, or any alderman of the said city, or justice in the said district or township, is hereby empowered to administer, that he will discharge the office of manager truly, faithfully and impartially, to the best of his knowledge and ability; and if any manager shall die, remove out of the city, district and township, or become insolvent, before the time for which he was appointed shall expire, his place shall be supplied by a new election, to be made by the guardians and managers aforesaid, or a majority of them.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers or a majority of them, having first obtained the approbation of any four of the said aldermen, and two of the justices of the said district, and two from said township, to make and lay a rate of assessment, not exceeding one hundred cents in the hundred dollars at any one time, upon the value of all the real and personal estate within the said city, district and township respectively; and not more than three dollars per head on every freeman, not otherwise rated for his estate, in every one hundred cent tax; and so in proportion for any lesser rate on the county assessment of the city, district and township aforesaid.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said managers or a majority of them, with the approbation of the said aldermen and justices, in laying the rates as aforesaid, shall be guided by the county assessment, made or to be made on other occasions; having due regard to every man's estate within the said city, district and township, so to be rated and assessed; and shall enter such rates fairly in a book, of which a fair duplicate signed by the said managers or a majority of them, shall be delivered to the aldermen and justices aforesaid, 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 reasonable times without any fee or reward; and shall give copies on demand, being paid at the rate of four cents for every twenty-four names; and if any

such manager shall not permit any inhabitant to inspect, or shall refuse to give copies as aforesaid, he shall forfeit three dollars to the party aggrieved, to be recovered as debts under forty shillings are directed by law to be recovered.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said guardians of the poor, and managers of the almshouse, or a majority of them, at a general board, to appoint and employ fit persons, who are citizens residing in the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, to be receivers and collectors of the poor tax, and taxes assessed or imposed, or hereafter to be assessed or imposed upon the inhabitants of the said city, district and township, for the use and benefit of the poor thereof; which said receivers and collectors so to be appointed, shall actually reside within the district wherein they are empowered to collect; and shall with two freehold sureties to be joined therein, severally, make and execute a bond or bonds unto the said guardians of the poor, in a sum equal to double the amount of his or their duplicate, with a condition or conditions thereunto severally annexed and underwritten, for the true and faithful performance of all and singular, the duties and services which shall or may be lawfully imposed upon and required, from such collector or collectors respectively; which said bonds, the guardians aforesaid shall forthwith file in the prothonotary's office, and after being so filed, are hereby declared to be and operate from the time of filing the same, as a judgment or judgments, upon the lands, tenements, goods, chattels and effects of the said receivers, collectors and their sureties, until the final adjustment, settlement and discharge of the said receivers and collectors, for or on account of their respective duplicates.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said collector or collectors to be appointed as aforesaid, shall and may from time to time, levy and raise from and upon all and every the said inhabitants of the city, district and township aforesaid, and of and from their respective estates, chattels and

effects, all such sums of money as shall be lawfully assessed and imposed upon the said inhabitants respectively, or their respective estates, chattels and effects, for the use and benefit of the poor; and it shall be the duty of the receivers or collectors of the poor taxes, immediately on being furnished with their respective duplicates, to give two months notice to the taxable inhabitants, residing within the district wherein he is appointed to collect the said tax, requiring them to pay the same to him within two months; and all those who shall have neglected to call and pay their tax within the time aforesaid, shall be called upon by the collector in person, at least once at their respective dwellings or places of abode, and demand payment of the said tax; and in case of nonpayment thereof, he shall leave a written or printed notice, stating the sums respectively due, with information that if the said tax is not paid within thirty days from the date of such notice, that their goods, chattels and effects so levied upon and distrained, shall be irrepleviabie by the person or persons from whom the tax may be due, and may be removed by the said collector to his own dwelling house or elsewhere within the said district, and sold at public sale by the said collector, within ten days after the distress so as aforesaid made, five days notice of such sale being first publicly given; and it shall be the duty of the said collector, when and as often as he shall seize and make distress as aforesaid, and he is hereby enjoined to furnish and deliver at the time of making such distress, to the owner or owners of the goods so seized or distrained, a just, true and perfect inventory of the goods, chattels and effects so as aforesaid distrained; and to furnish to the owner or owners as aforesaid, a true and perfect account of the amount of the sales of said goods, chattels and effects, so as aforesaid distrained and sold; and if any surplus should be and remain after payment of the taxes due, and reasonable costs and charges incident to the sale, then and in such case the collector aforesaid, shall pay over to the owner or owners aforesaid, the said surplus; and in case of neglect or refusal to pay over the said surplus within three days after such sale, if demanded, the collector

shall forfeit and pay a sum not exceeding ten per centum, to be calculated upon the said surplus; to be recovered together with such surplus before any alderman or justice, any law, usage or custom to the contrary in any wise notwithstanding; and it shall be the duty of the said collector or collectors, to keep an exact account of all sums of money rated and collected by them, and of all such sums of money as are rated and not collected by them; and the examination and final settlement of the accounts of the said collector or collectors shall belong to the said managers and guardians of the poor, who shall have full power and authority to allow and deduct such parts thereof only, as to them shall seem just and reasonable.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said managers and guardians of the poor, or a majority of them, shall annually appoint one of their own body, removable at their pleasure, to act as treasurer of the said corporation; to whom the collector or collectors shall pay once in every week, and render an account of all sums of money which they shall respectively have received, for or on account of the said poor tax; and the said treasurer shall give a receipt or receipts to such collector or collectors, for the money which he or they shall from time to time pay to him; which said receipt or receipts shall be a good and sufficient discharge, to the said collector or collectors, for so much money as may be therein expressed to have been received; it shall also be the duty of such treasurer to pay out of the money belonging to the said corporation in his hands, all such orders as may be lawfully drawn on him, by order of the board of managers or guardians as the case may be; and before he enters on the execution of his office, he shall become bound to the said guardians of the poor, with two or more sufficient freehold sureties, in an obligation of twenty thousand dollars, conditioned for the true and faithful discharge of his said office, and at the expiration thereof, or his removal from the same, he will well and truly pay over to his successor, all the money, books, accounts, bonds and other papers belonging to the said corporation, which



shall then be remaining in his hands or possession; and no person shall be capable of holding the said office of treasurer longer than three years, in any term of six years.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said guardians of the poor, or a majority of them, shall appoint a proper person, removable at their pleasure, with a salary or compensation not exceeding the yearly sum of four hundred dollars, and it shall be the duty of the said officer to attend the general meetings of the said guardians of the poor, to keep fair minutes of their transactions; and generally to do and perform all such other duties as may be enjoined on him by the said corporation; but before he enters on the execution of his office, he shall become bound to the said guardians of the poor, with one or more sufficient freehold sureties, in an obligation of two thousand dollars, conditioned for the true and faithful discharge of his said office, and at the expiration thereof, or his removal from the same, he will deliver over to his successor all the books, accounts and other papers belonging to the said corporation which shall then be remaining in his hands, custody or possession.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That any of the said guardians of the poor, may with the consent of any alderman of the said city, or justice of the peace residing in the said district or township, afford relief to the sudden necessity of any poor person, not exceeding eight dollars within three months; and it shall be the duty of the said guardian to state the circumstances of such case to the next general meeting of the guardians; and the said guardians, or a majority of them, shall take measures to have such poor person or persons removed to the place of legal settlement.

Section XII. (Section XII, P. L.) And whereas it frequently happens that cases suddenly arise, that require immediate relief and assistance, without the possibility of having the person or persons immediately removed to the almshouse and house of employment: for remedy whereof, Be it enacted, by the authority aforesaid, that in all such cases,

two of the guardians of the poor shall and may personally visit the person or persons so suddenly and immediately requiring relief and assistance, his, her, or their family; and if in the opinion of such guardians so visiting as aforesaid, the person or persons, his, her or their family or families require immediate assistance, and that he, she or they cannot with safety and convenience to themselves, be immediately removed to the almshouse and house of employment, then and in all such cases, the said guardians shall and may furnish to such person or persons, his, her or their family or families, such reasonable and moderate relief as he, she or they may require, from day to day, until the next meeting of the general board of guardians; when the said guardians so furnishing relief aforesaid, shall and they are hereby enjoined to report the case or cases, together with the circumstances and the amount of relief furnished; after which it shall be the duty of the said general board to take the premises into consideration, and order and direct a continuance of the relief and assistance in manner and form aforesaid; or direct and order the person or persons so as aforesaid relieved, to be forthwith removed to the almshouse and house of employment; and in case the general board shall be of opinion, that the person or persons so as aforesaid visited and relieved, shall be removed to the almshouse and house of employment, and if the said person or persons shall refuse to be so removed, then and in such case from and immediately after such refusal, no further or other relief shall be furnished or allowed to such person or persons, his, her or their family, other than in the house aforesaid.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the managers aforesaid, or a majority of them, to put out as apprentices to some trade or calling, all poor children; that is the children of such poor persons, who are dead without leaving property or kindred to provide for their children; or who if living shall be found unable to maintain them; males to the age of twenty-one and females to the age of eighteen years; and also with the approbation of any two

aldermen of the said city, or justices of the peace residing in the said district or township, to bind out by indenture or deed poll, any disorderly persons who by their own lewdness, drunkenness or evil practices have fallen sick and become chargeable to the said city, district and township, to any master or mistress, and his and her assigns, who will advance and pay such consideration for such service as the said managers or a majority of them shall think fit to accept for the same: Provided always, that no married man or woman, nor any person of the age of forty years and upwards, shall be liable to be bound by indenture or deed poll as aforesaid; and that such binding shall not be for a longer term than will be sufficient to reimburse the guardians of the poor, the expenses incurred on account of such person, and so as the same do not exceed in the whole the space of three years.

Section XIV. (Section XIV, P. L.) 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 almshouse and house of employment, but those who have legal settlement; or where they have not procured security to repay the expenses; nor before such person or persons shall have procured an order, signed by at least two of the said guardians of the poor, who shall thereon state the reason and cause of such order, which shall be laid before the board of managers when they shall next sit, who shall determine thereupon as they shall think proper.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person appointed to be one of the guardians of the poor within this corporation, not having before served therein as aforesaid, shall refuse or neglect to take upon himself the said office, he shall forfeit sixty dollars to the said corporation, for the use of the poor of the said city, district and township; to be levied by warrant issued by the mayor of the city of Philadelphia, or two justices of the township of the Northern Liberties or the district of Southwark; and if any guardian of the poor shall remove from said city, district and township, he shall before such his removal, deliver over to some other guardian

of the poor of the said city, district or township, his office; and upon the death of any guardian, his executors or administrators shall within forty days after his decease, or within forty days after they undertake the execution of the will, or administration of the estate of such deceased guardian, deliver over all things concerning his office to some other guardian as aforesaid, and shall also pay out of the assets all monies remaining due which he received by virtue of his office before any of his other debts are paid, saving funeral charges.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any person who shall come to inhabit in the said city, district or township, shall for himself and on his own account execute any public office being legally placed therein, in the said city, district or township, 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, district or township, 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, district or township, of the yearly value of ten pounds, and shall dwell in or upon the same for one whole year, at one and the same time, and pay the said rent; or shall become seized of any freehold estate in any lands or tenements in the said city, district or township, 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, district or township, 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, district or township, 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, district or township.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That every indented servant legally and directly imported from Europe into this state,

who shall serve with his or her master or mistress in the said city, district or township, sixty days immediately after his or her arrival; or who after having so served in any other place within the state, shall duly serve any master or mistress in the said city, district or township, for the space of one year, shall obtain a legal settlement therein; and all mariners and every other healthy person coming from Europe into this state, shall gain a settlement in the said city, district and township, in the same manner as is hereinbefore directed.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That any 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. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That if any person or person shall, after the publication of this act come out of any borough, township or place within this state, into the said city, district or township of the Northern Liberties there to inhabit and reside; and shall at the same time procure, bring and deliver unto the guardians of the poor in the said city, district and township, a certificate under the hands and seals of the overseers of the poor of the borough, township or place whence he, she or they removed, to be attested by two or more credible witnesses, thereby acknowledging the person or persons mentioned in the said certificate to be an inhabitant or inhabitants legally settled in that borough, township or place, every such certificate having been allowed of and subscribed by one or more justices of the peace of the county where such borough, township or place doth lie, shall oblige the said 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, or be obliged to ask relief of the

said city, district and township, and then and not before it shall and may be lawful for any such person, and his or her children though born in the said city, district or township, and his or her servants and apprentices, not having otherwise acquired a legal settlement therein, to be removed, conveyed and settled in the borough, township or place 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 justice or 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 the names of such witnesses attesting the said certificate are of their own proper hand-writing; which said justice or justices shall also certify, that such oath or affirmation was made before him or them; and every such certificate so allowed, and oath or affirmation of the execution thereof so certified by the said justice or justices, shall be taken and received as evidence without other proof thereof; and no person so coming by certificate into the said city, district or township, 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, district or township.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That no person whomsoever who shall come into the said city, district or township, without such certificate as aforesaid (mariners and other healthy persons coming from Europe as aforesaid excepted) shall gain a legal settlement therein, unless such persons shall give security if required, at his or her coming into the same, or within three months thereafter, for indemnifying and discharging the said city, district and township; to be allowed by any one alderman of the said city, or justice of the peace residing in the district or township aforesaid.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That upon complaint being made by the guardians of the poor of the said city, district and township, to any one or more of the aldermen of the said city, or to one or more of the justices of the peace of the county residing in the said district or township, that any person or persons therein, is or are likely to become chargeable, it shall and may be lawful to and for any two aldermen of the said city, or any two justices of the peace of the county residing in the said district or township, by their warrant or order directed to the said guardians of the poor, to remove and convey such person or persons to the borough, township, state 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, district and township: Provided always, that if any person or persons shall think him, her or themselves aggrieved, by an order of removal made by any of the said aldermen or justices, such person or persons may appeal to the next mayor's court for the said city, or the next court of quarter sessions of the peace for the said 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 magistrates or justices composing such court, shall cause the same to be rectified and amended without any costs 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 said guardians of the poor, unto the overseers of the borough, township or place from which the removal shall be, the reasonableness of which notice shall be determined by the court to which the appeal is made; and if it shall appear to such court that reasonable time of notice was not given, then the appeal shall be adjourned to their next sessions, when and where the same shall be finally determined.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That for the more effectual prevention of vexatious removals and frivolous appeals, the

mayor's court for the city, or the court of quarter sessions for the county of Philadelphia, upon any appeal concerning the settlement of any poor persons, or upon proof before them there to be made, of notice of any such appeal to have been given by the proper officer, to the guardians of the poor of the said city, district and township, or to the overseers of the poor 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 court in their discretion shall be thought most reasonable and just; to be paid by the guardians, overseers or any other persons 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 the said court, any justice of the peace 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 person to the common jail, until he pays the said costs and charges or be otherwise legally discharged; and if the said court on such appeal shall determine in favor of the appellant, that such poor person was unduly removed, they shall at the same session order and award to such appellant, so much money as shall appear to them to have been paid by the city, district, 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. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That upon information given to the mayor or recorder of the city of Philadelphia,



for the time being, together with one of the aldermen of the said city, or to any two justices of the peace of the county of Philadelphia, residing in the said district of Southwark, or the township of the Northern Liberties, that any old persons, infants, maimed, lunatic, or any vagabond or vagrant persons are imported, come, or are brought within the said city, district, or township, the said mayor or recorder, and aldermen as aforesaid, or any two justices of the peace for the county of Philadelphia, residing in the said district or township, shall cause such aged person, infants, or impotent, or vagrant persons to be brought before them; and if upon examination they shall judge, that such person or persons are likely to become chargeable to the said city, district or township, it shall and may be lawful for the said mayor, or recorder and aldermen, or two justices of the peace as aforesaid, by warrant or otherwise, to send for the master or merchant, or other person who imported any such infant, lunatic, aged, maimed, impotent or vagrant person or persons, as are likely to become chargeable as aforesaid: And upon proof made of their being the importers, or owners of such ship or vessel, in which such infant, lunatic, aged, maimed, impotent, or vagrant persons, who shall be judged likely to become chargeable as aforesaid were imported, then the said mayor, or recorder and alderman, or any two of the justices as aforesaid, shall and may compel the said master, merchant or importer of such infant, lunatic, maimed, aged, impotent or vagrant person or persons to give sufficient security, to carry and transport such infant, lunatic, maimed, aged, impotent or vagrant person or persons to the place or places whence such person or persons, were imported or brought from; or otherwise to indemnify the inhabitants of the said city, district and township, from any charge that may come or be brought upon them by such infant, lunatic, maimed, aged, impotent or vagrant person or persons: Provided always, that if any person or persons shall apprehend him or themselves aggrieved, with any such order or judgment, the person or persons so aggrieved, may appeal to the

next mayor's court for the city, or the next court of quarter sessions of the county of Philadelphia where such order shall be made, whose judgment shall be final; but before such appeal be allowed the person or persons appealing, shall enter into a recognizance with one good surety at least, to pay the costs and charges of such appeal, in case the said order be confirmed.

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That if any housekeeper or inhabitant of the said city, district or township, shall hereafter take into, receive or entertain, in his or her house or houses, any person or persons whomsoever, (all mariners coming into this state, and every other healthy person coming from any foreign port immediately into the said state only excepted) being persons who have not gained a legal settlement, in some other township, borough or place within this state, 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 said city, district or township, to the guardians of the poor or some one of them of the said city, district and township, such inhabitant or housekeeper being thereof legally convicted, by testimony of one credible witness on oath or affirmation before any one alderman of the city of Philadelphia, or before any one justice of the peace residing in the said district or township, shall forfeit and pay the sum of four dollars for every offense; the one moiety for the use of the poor of the said city, district and township, and the other moiety to the informer; to be levied on the goods and chattels of the delinquent in the manner hereinafter directed; and for want of sufficient distress the offender to be committed to the jail of the city and county of Philadelphia, there to remain without bail or mainprize 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 this or any other state, if any such he or she hath, or shall die, and not have where-

withal to defray the charges of his or her funeral, then and in such case the housekeeper or person convicted of entertaining or concealing such poor person against the tenor of this act, shall be obliged for and maintain such poor and indigent person or persons, and in case of such poor person's death, shall pay the guardians 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 guardians of the poor in the said city, district and township, 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 guardians of the poor for the uses aforesaid, the same shall be levied on the goods and chattels to satisfy the money so assessed for him or her to pay, then it shall and may be lawful for the said aldermen or justices to commit the offender to prison, there to remain until he or she hath paid the same, or until he or she shall be discharged by due course of law.

Section XXV. (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That if any person be removed by virtue of this act, from any borough, township or county to the said city, district of Southwark, or township of the Northern Liberties, by warrant or order of any two justices of the peace of any county, under their hands and seals, or from the said city, district or township to any other township, borough, county or place, by warrant or order of any two aldermen of the said city, or of two justices of the peace residing in the said district or township, under their hands and seals as aforesaid, the guardians or overseers of the poor of the city, borough, township, or place to which such person shall be removed, are hereby required to receive the said person; and if any of the said guardians or 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 aldermen of the said city, or justices of the peace of any township, borough or county where the offender doth reside, shall forfeit for every such offence the sum of twenty dollars, to the use respectively of the poor of the said city, district and township, or other township or borough 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 aldermen or township or borough from which such person was removed; and empowered to make, directed to the constable of the city, district, township or borough where such offender or offenders dwell; returning the overplus if any there be to the owner or owners; and for want of sufficient distress then the offender to be committed to the jail of the county where he dwells, there to remain without bail or mainprize for the space of thirty days.

Section XXVI. (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That if any poor person or persons shall remove out of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties, into any other township, borough or place within this state, or shall remove out of any borough, township or place into the said city, district or township of the Northern Liberties, and shall fall sick or die, before he or she hath gained a legal settlement in the said city, district and township, or other township or borough to which he or she shall come, so that such person or persons cannot be removed, the guardians of the said city, district and township of the Northern Liberties, or overseers of the said other township or borough into which such person or persons is or are come, or one of them, shall as soon as conveniently may be respectively give notice to the overseers of such township or borough, or to the guardians of the said city, district and township of the Northern Liberties, (as it may happen to be necessary) where such person or persons had last gained a legal settlement, or to one of the said overseers or guardians, of the name, circumstances and conditions of such person or persons; and if such overseers of a township or borough, or guardians of the

said city, district and township of the Northern Liberties, to whom such notice shall be so given, shall neglect or refuse to pay the money expended, as well before as after the said notice, 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 money expended in maintaining and buryings such poor person or persons, then and in every such case it shall be lawful for any two aldermen of the said city, or justices residing in the said district, or township of the Northern Liberties, or for any two justices of the peace (not residing in the said district or township of the Northern Liberties) of the 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 said city, district or township of the Northern Liberties, or of such other township or borough, to be levied by distress and sale of the goods and chattels of the said guardian or guardians, overseer or overseers of the poor so neglecting or refusing, to be paid to the guardians or overseers aforesaid, where such poor person or persons happened to be sick or to die as aforesaid; and the overplus of the monies 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 said guardians of the poor, or the overseers as aforesaid, shall think him or themselves aggrieved by any sentences of such justices, or by their refusal to make any order as aforesaid, he or they may appeal to the next mayor's court for the said city, or to the next court of quarter sessions for the county, where such guardians or overseers reside, and not elsewhere, who are hereby au-

thorized and required to hear and finally determine the same.

Section XXVII. (Section XXVII, P. L.) And whereas it may frequently happen that the place of last legal settlement of poor and indigent persons, may be far distant from the city of Philadelphia: Be it further enacted by the authority aforesaid, that where any person not having legal settlement within the city of Philadelphia, the township of the Northern Liberties, or the district of Southwark, shall be relieved and provided for temporarily by the guardians of the poor in the city of Philadelphia, district of Southwark and the township of the Northern Liberties, it shall and may be lawful for the said guardians to transmit, with the poor or indigent person or persons so as aforesaid relieved, to his last place of legal settlement, a bill containing the amount of monies expended in the relief of such poor indigent person or persons, certified under the seal of the corporation, and attested by the oath or affirmation of the guardian furnishing or expending the same; which said bill so certified and attested, shall be received by the overseers or justices of the township or place where the said poor or indigent person or persons were last legally settled, as evidence, but not conclusive evidence of the amount, if upon an appeal the settlement shall be affirmed, and in case the overseers of the place or township to which such poor and indigent person or persons shall be removed, or the parties removing, as the case may be, shall appeal from the judgment of the said justices to the court of quarter sessions of the county, to which such removal shall be made, the said court shall receive the said bill so as aforesaid certified and attested, as evidence, but not conclusive evidence of the amount; and the overseers of the place or township to which such poor and indigent person or persons shall be so as aforesaid removed, shall be liable to pay the amount adjudged to be due, whether notice has been given to them or not, of the paupers being within the corporation of the guardians of the poor in the city of Philadelphia, district of Southwark, and the township of the Northern Liberties, any law, usage or custom to the contrary in any wise notwithstanding.

Section XXVIII. (Section XXVIII, P. L.) And whereas negroes and mulattos liberated after the age of twenty-eight years, and others not having legal settlement within this corporation or elsewhere, frequently come to inhabit and reside therein: Be it enacted by the authority aforesaid, that the settlement of all negroes and mulattos, whether free or otherwise, shall be deemed and taken to be, so far as respects this corporation, in the township or place where his, her or their master has registered him, her or them, in case he, she or they be slaves; and in the township or place where they were liberated, manumitted and set-free, in case he, she or they be free; and all orders of removal respecting such before described negroes or mulattos, shall be good and effectual in law, and the overseers of the place or township to which any such negro or mulatto shall be removed, shall be bound and they are hereby required to receive and provide for them, as for other poor of their place or township: Provided always nevertheless, that if it shall appear that any such negro or mulatto shall have been liberated, after he or she or they attain the age of twenty-eight years, or has never been legally liberated, manumitted or set free, then and in such case the overseers of the poor to whose place or township any such negroes or mulattos shall be removed, shall and may recover from the master or mistress of any such negro or mulatto, his or her heirs, executors or administrators, having assets, all the costs and charges arising from relieving and removing said negro or mulatto; and the said master or mistress, his or her heirs, executors, or administrators, having assets, shall give security for the future maintenance of such negro or mulatto.

Section XXIX. (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That the father and grandfather, and the mother and grandmother, and the children and grandchildren of every poor, old, blind, lame and impotent person, or other poor person within the said city, district and township, not able to work, being of sufficient ability, shall at their own charges, relieve and maintain every such poor person as the mayor's court for the city, or the

court of quarter sessions for the county where such poor persons reside, shall order and direct, on pain of forfeiting seven dollars for every month they shall fail therein.

Section XXX. (Section XXX, P. L.) 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 on the said city, district and township, although such persons may have estates which should contribute to the maintenance of such wives or children: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the guardians of the poor in the said city, district and township, having obtained a warrant or order from two aldermen of the said city, or from two justices of the peace of the county residing in the said district or township, where such wife or children shall be so left or neglected, 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 aldermen 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 mayor's court for the city, or quarter sessions for the county, it shall and may be lawful for the said court there to make an order for the guardians of the poor, to dispose of such goods and chattels by sale or otherwise, or so much of them, for the purpose aforesaid, as the court shall think fit; to receive the rents and profits, or so much of them as shall be ordered by the said court, of his or her lands and tenements, for the purpose aforesaid; and if no real or personal estate 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 court 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 jail, there to remain until he or she comply with the said order, give security for the performance thereof, or be otherwise discharged by the said court; and on complaint



made to any alderman of the city of Philadelphia, or to any justice of the peace residing in the district of Southwark or township of the Northern Liberties, of any wife or children there being so neglected, such alderman or justice shall take security from the husband, father or mother neglecting as aforesaid, for his or her appearance at the next mayor's court, or court of quarter sessions, there to abide the determination of the said court, and for want of security to commit such persons.

Section XXXI. (Section XXXI, P. L.) 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 warrants under the hand and seal of one of the aldermen of the city of Philadelphia, for the said city, and under the hand and seal of any one justice of the peace residing in the said district or township, 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 aldermen of the said city, or justices of the peace aforesaid in pursuance of this act, such person or persons may appeal to the next mayor's court for the city, or court of quarter sessions for the county of Philadelphia, where sentence was given; (except in cases of removal, and in 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 XXXII. (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That the managers for the

time being or a majority of them, shall from time to time, make and ordain rules, by-laws and regulations for the government of all paupers of every description, resident in the alms-house and house of employment; which rules, by-laws and regulations having first received the approbation of the chief justice and attorney-general for the time being, shall be enforced and carried into effect by the managers for the time being or a majority of them: Provided, that such rules, by-laws and regulations be not inconsistent with the constitution and laws of this state, or of the United States.

Section XXXIII. (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That if any action shall be brought against any guardian or overseer of the poor or other person, who in aid of either and by his commands shall do anything concerning his office under this act, 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 XXXIV. (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, that the mayor's court of the city of Philadelphia, at their first session in every year, shall appoint one citizen, residing within the said city; and the court of quarter sessions for the county of Philadelphia, at their first session in every year, shall appoint two citizens, one of whom shall reside in the township of the Northern Liberties, and the other in the district of Southwark; which three citizens jointly shall audit and settle the accounts of the treasurer, the board of guardians and managers respectively; and shall also inspect the books and papers of the said corporation, and publish a true and perfect statement of all their receipts, whether in taxes, donations, legacies or otherwise, including a statement of the amount of the taxes levied in each and every year, together with all and every the expenditures of said corporation, in two public newspapers printed in the city of Philadelphia, for the space of three days at least.

Section XXXV. (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That the present board of managers shall constitute a lawful body until the fourth Monday in May next, and until a new board shall be organized under this act, and no longer; any thing contained in this act to the contrary in any wise notwithstanding.

Section XXXVI. (Section XXXVI, P. L.) And be it further enacted by the authority aforesaid, that all laws heretofore passed relating to the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties, be, and the same are hereby repealed.<sup>(1)</sup>

Approved March 29, 1803. Recorded in L. B. No. 9, p. 122.

Note (1). See Chapter 635; 3 Statutes at Large p. 75, and note thereto p. 96. See also supplements to the act in the text. Chapter 2597, *infra* this volume, p. 1028; and Chapter 3046, (Act March 11, 1809), 18 Statutes at Large.

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## CHAPTER MMCCCLXIX.

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AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA, AND FOR THE REGULATION OF PILOTS AND PILOTAGES, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That immediately after the passing of this act there shall be established a board of wardens for the port of Philadelphia, to consist of one master warden and six assistant wardens, four of whom shall be inhabitants of the city of Philadelphia, one of the Northern Liberties, and one of the district of Southwark; to be yearly appointed by the governor of the commonwealth; and the said master warden and assistant wardens and their successors, shall have full power and authority to have and use one common seal, with such device as they may think proper, and the same to break, alter and renew at their pleasure.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said wardens shall em-