

That the same shall never be higher than will enable the *Proviso*, said company to divide five dollars in each year, upon every hundred dollars of said stock, after defraying necessary expenses and repairs.

SECTION 10. That it shall be lawful for the commissioners, Supplement or a majority thereof, named in the first section of the act to Franklin entitled "An act to incorporate the Franklin Bank of <sup>bk. of Wash-</sup> Washington," approved the ninth day of March, A. D. <sup>ington.</sup> eighteen hundred and thirty-six, to which this section is supplementary, to sell four thousand shares of the capital 4000 shares stock of the said bank, and the remaining two thousand to be sold. shares thereof shall be sold in the mode prescribed in the said act, under the direction of the president and directors of the said bank, and at such times and places as they may appoint: *Provided*, That at least one hundred thousand *Proviso*. dollars of the capital stock of the said bank shall be paid in within six months after the said bank shall go into operation, and any provision contained in said act, inconsistent herewith, shall be and hereby is repealed.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D., eighteen hundred and thirty-six.

JOS: RITNER.

No. 168.

## An Act

Relating to the support and employment of the poor.

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An act relating to the support and employment of the poor.

SECTION 1. *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 it shall be the duty of the overseers of every district, from time to time, to provide as is hereinafter directed, for every poor person within the district, having a settlement therein, who shall apply to them for relief.

SECTION 2. If such poor person be able to work, but cannot find employment, it shall be the duty of the overseers to provide work for him, according to his ability, and for

this purpose, they shall procure suitable places, and a sufficient stock of materials.

SECTION 3. It shall be lawful for the overseers of any district, with the concurrence and under the directions of the supervisors of the township, to employ such poor person, being a male of sufficient ability, in opening or repairing any road or highway within the district.

SECTION 4. If such poor person by reason of age, disease, infirmity, or other disability, be unable to work, it shall be the duty of the overseers to provide him with the necessary means of subsistence.

SECTION 5. It shall also be the duty of the overseers of every district, to furnish relief to every poor person within the district not having a settlement therein, who shall apply to them for the relief, until such person can be removed to the place of his settlement.

SECTION 6. No person shall be entered on the poor book of any district, or receive relief from any overseers, before such person, or some one in his behalf, shall have procured an order from two magistrates of the county for the same, and in case any overseer shall enter in the proper book, or relieve such poor person without such order, he shall forfeit a sum equal to the amount or value given, unless such entry or relief shall be approved of by two magistrates as aforesaid.

SECTION 7. It shall be lawful for the overseers of every district, to contract with any person for a house or lodging for keeping, maintaining and employing such poor persons of the district as shall be adjudged proper objects of relief, and there to keep, maintain, and employ such poor persons, and to receive the benefit of their work and labour, for and towards their maintenance and support, and if any poor person shall refuse to be kept and employed in such house, he shall not be entitled to receive relief from the overseers during such refusal.

SECTION 8. It shall be lawful for the overseers of every district, with the approbation and consent of two or more magistrates of the same county, to put out as apprentices all poor children whose parents are dead, or by the said magistrates found to be unable to maintain them, so as that the time or term of years of such apprenticeship, if a male, do expire at or before the age of twenty-one years, and if a female, at or before the age of eighteen years.

SECTION 9. A settlement may be gained in any district:—

- I. By any person who shall come to inhabit in the same, and who shall for himself and on his own account, execute any public office, being legally placed therein, during one whole year.

- II. By any such person who shall be charged with and pay his proportion of any public taxes or levies for two years successively.
- III. By any person who shall *bona fide* take a lease of any real estate of the yearly value of ten dollars, and shall dwell upon the same, for one whole year, and pay the said rent.
- IV. By any person who shall become seized of any freehold estate within such district, and who shall dwell upon the same, for one whole year.
- V. By any unmarried person not having a child, who shall be lawfully bound or hired as a servant within such district, and shall continue in such service during one whole year.
- VI. By any person who shall be duly bound an apprentice by indenture, and shall inhabit in the district with his master or mistress for one whole year.
- VII. By any indentured servant, legally and directly imported from Europe into this commonwealth, who shall serve for the space of sixty days in the district into which he shall first come: *Provided*, That if such servant shall afterwards duly serve in any other district for the space of twelve months, either with his first employer or his assignee, he shall obtain a legal settlement in such other district.
- VIII. By any mariner coming into this commonwealth, and by any other healthy person coming directly from a foreign country into the same, if such mariner or other person shall reside for the space of twelve months in the district in which he shall first settle and reside.

SECTION 10. Every married woman shall be deemed, during coverture, and after her husband's death, to be settled in the place where he was last settled; but if he shall have no known settlement, then she shall be deemed, whether he be living or dead, to be settled in the place where she was last settled before her marriage.

SECTION 11. Every illegitimate child shall be deemed to be settled in the place where the mother was legally settled at the time of the birth of such child.

SECTION 12. If the last place of settlement of any person who shall have become chargeable, shall be in any township which shall have been divided by the authority of the laws, such person shall be supported by that township within the territory of which he resided at the time of gaining such settlement.

SECTION 13. It shall be the duty of every house-keeper who shall receive into his house any person who has not gained a legal settlement in some part of this commonwealth, (all mariners coming into this Commonwealth, and every other healthy person coming from a foreign country immediately into this commonwealth, only excepted,) within ten

days after receiving such person, to give notice thereof in writing, to the overseers of proper district.

SECTION 14. If any house-keeper shall fail to give notice as aforesaid, and if the person so received shall become poor and unable to maintain himself, and cannot be removed to the place of his last legal settlement in any other state, if any such he hath, such house-keeper shall be obliged to provide for and maintain such poor person, and in case of the death of such poor person without leaving wherewithal to defray the expense of his funeral, such house-keeper shall pay the overseers so much as they shall reasonably expend for such purpose.

SECTION 15. If such house-keeper shall refuse to pay the charges aforesaid, the overseers shall assess upon him the amount necessary to maintain such poor person, weekly, or such sum as shall be necessary to pay such funeral charges, and shall have power to collect the same by warrant of distress, but if such delinquent shall have no goods or chattels liable to distress, he may be committed to jail, there to remain until he shall have paid the same, or shall be otherwise legally discharged.

SECTION 16. On complaint made by the overseers of any district to one of the magistrates of the same county, it shall be lawful for the said magistrate, with any other magistrate of the county, where any person has or is likely to become chargeable to such district into which he shall come, by their warrant or order, directed to such overseers, to remove such person at the expense of the district, to the city, district or place where he was last legally settled, whether in or out of Pennsylvania, unless such person shall give sufficient security to indemnify such district to which he is likely to become chargeable as aforesaid.

SECTION 17. *Provided*, That it shall not be lawful, by virtue of any order of removal, to separate any wife from her husband.

SECTION 18. It shall be the duty of the guardians or overseers of the city or district to which such poor person may be removed, by warrant or order as aforesaid, to receive such poor person, and if any such guardian or overseer shall refuse or neglect so to do, he shall forfeit for every such offence the sum of twenty dollars, to be recovered as herein-after provided, and applied to the use of the poor of the district from which such poor person may be removed as aforesaid.

SECTION 19. *Provided always*, That any person aggrieved by any such order of removal, may appeal to the next court of Quarter Sessions, of the county from which such poor person may be removed, and not elsewhere, and if there be any defect of form in such order, the said court shall cause the same to be amended, without cost to the party,

and after such amendment, if the same be necessary, shall proceed to hear and determine the cause upon its truth and merits; but no such cause shall be proceeded in, unless reasonable notice shall have been given by the party appellant, to the overseers of the district from which the removal shall have been made, the reasonableness of which notice shall be determined by the said court, at the session to which the appeal may be made, and if it shall appear to them that reasonable notice was not given, they shall adjourn the appeal to their next session, and then determine the same.

SECTION 20. For the more effectual preventing of vexatious removals and frivolous appeals, the court of Quarter Sessions, upon every appeal in a case of settlement, or upon proof being made before them of notice thereof, as aforesaid, (though the appeal be not afterwards prosecuted,) shall at the same session, 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 the said court shall consider reasonable and just, to be paid by the overseers or other person against whom such appeal shall be determined, or by the person that gave such notice; and if the court shall determine in favor of the appellant, that such poor person was unduly removed, they shall at the same session, on demand, award to such appellant, so much money as shall appear to them to have been reasonably paid, by the city or district appellant, towards the relief of such poor person, between the time of such undue removal and the determination of such appeal, with costs, as aforesaid.

SECTION 21. If any person, ordered to pay costs or charges as aforesaid, other than overseers as aforesaid, shall live out of the jurisdiction of such court, it shall be the duty of any magistrate of the county in which such person shall reside, on request to him made, and on the production of a copy of such order, certified under the seal of such court, to issue his warrant to levy the same by distress, and if no sufficient distress can be had, to commit such party to the common jail, there to remain without bail or mainprise, until such costs or money be paid, or until he be otherwise legally discharged.

SECTION 22. If any overseer be ordered to pay costs or charges as aforesaid, and the township liable therefor be out of the jurisdiction of such court, it shall be the duty of the court of Quarter Sessions of the county in which such township is situate, on request to them made, and on the production of a copy of such order, certified under the seal of the court making the same, to compel payment of such costs and charges, according to law.

SECTION 23. If any person shall come out of any city or district in this commonwealth into any other district, and shall happen to fall sick or die before he have gained a settlement therein, so that he cannot be removed, the overseers of such district shall, as soon as conveniently may be, give notice to the guardians or overseers of the city or district where such persons had last gained a settlement, or to one of them, of the name, circumstances and condition of such poor person, and if the guardians or overseers to whom such notice shall be given, shall neglect or refuse to pay the monies expended for the use such poor person, and to take order for relieving and maintaining him, or in case of his death before such notice could be given, shall on request made, neglect or refuse to pay the monies expended in maintaining and burying such poor person, in every such case it shall be the duty of the court of Quarter Sessions of the county where such poor person was last settled, upon complaint to them made, to compel payment by such guardians or overseers, of all such sums of money as were necessarily expended for such purpose, in the manner directed by law, in the case of a judgment obtained against overseers.

SECTION 24. If any magistrate shall refuse to grant a warrant or order of removal as aforesaid, it shall be lawful for the overseers aggrieved by such refusal, to appeal to the next court of Quarter Sessions of the county in which such magistrate resides, who shall thereupon hear and finally determine the same.

SECTION 25. If any person shall bring, or cause to be brought, any poor person from any place without this commonwealth to any place within it, where such person was not last legally settled, and there leave, or attempt to leave such person, he shall forfeit and pay the sum of seventy-five dollars for every such poor person, to be sued for and recovered by the overseers of the district, into which such poor person may have been brought, and moreover, shall be obliged to convey such poor person out of the commonwealth, or support him at his own expense.

SECTION 26. If any person shall bring, or cause to be brought into this commonwealth, any black or coloured indentured servant, such person, his or her heirs, executors, administrators and assigns, shall respectively be liable to the guardians or overseers of the city or district to which such black or coloured person shall become chargeable, for such necessary expenses as such guardians or overseers may be put to for his or her maintenance, support and interment, together with the costs thereon.

SECTION 27. Every person in whom the ownership or right to the service of any negro or mulatto slave shall be vested, shall be liable to the overseers of the district in which [such]

negro or mulatto shall become chargeable, for all expenses which such overseers may be put to for the maintenance, support and interment of such negro or mulatto, with the costs thereon.

SECTION 28. The father and grandfather, and the mother and grandmother, and the children and grandchildren, of every poor person not able to work, shall, at their own charge, being of sufficient ability, relieve and maintain such poor person, at such rate as the court of Quarter Sessions of the county where such poor person resides shall order and direct, on pain of forfeiting a sum not exceeding twenty dollars for every month they shall fail therein, which shall be levied by the process of the said court, and applied to the relief and maintenance of such poor person.

SECTION 29. If any man shall separate himself from his wife, without reasonable cause, or shall desert his children, or if any woman shall desert her children, leaving them a charge upon the district, in any such case it shall be lawful for any two magistrates of the county, upon complaint made by the overseers of the district, to issue their warrant to such overseers, therein authorizing them to take and seize so much of the goods and chattels, and receive so much of the rents and profits, of the real estate of such man or woman, as, in the judgment of the said magistrates shall be sufficient to provide for such wife, and to maintain and bring up such children, which sum or amount shall be specified in such warrant; but if sufficient real or personal estate cannot be found, then to take the body of such man, (or woman,) and bring him (or her) before such magistrates, at a time to be specified in such warrant.

SECTION 30. It shall be lawful for such magistrate, on the return of such warrant, to require security from such man or woman, for his or her appearance at the next court of Quarter Sessions of the county, there to abide the order of the court, and for want of such security, to commit such person to the jail of the county.

SECTION 31. The warrant aforesaid shall be returned to the next court of Quarter Sessions of the county, when it shall be lawful for the said court to make an order for the payment of such sums as they shall think reasonable for the purpose aforesaid, and therein authorizing the overseers to dispose of the goods and chattels aforesaid, by sale or otherwise, and to collect and receive the rents and profits aforesaid, or so much of either as in the judgment of the court shall be sufficient for the purpose aforesaid, but if there be no real or personal estate, it shall be lawful for the court to commit such person to the jail of the county, there to remain until he or she comply with such order, give security for the performance thereof, or be discharged by due course of law.

SECTION 32. The following described persons shall be liable to the penalties imposed by law upon vagrants:—

- I. All persons who shall unlawfully return into any district, whence they have been legally removed, without bringing a certificate from the city or district to which they belong.
- II. All persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work, in the place where they then are.
- III. All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor as aforesaid.
- IV. All persons going about from door to door, or placing themselves in streets, highways, or other roads, to beg or gather alms, and all other persons wandering abroad and begging.
- V. All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering or residing therein, and shall follow no labour, trade, occupation or business, and have no visible means of subsistence, and can give no reasonable account of themselves, or their business in such place.

SECTION 33. It shall be lawful for the directors of the poor of any county, and for the overseers of any district, as the case may be, in which any person shall have become chargeable, to sue for and recover any real or personal estate belonging to such person, and to sell or otherwise dispose of the personal property, and to collect and receive the rents and profits of the real estate, and to apply the proceeds, or so much thereof as may be necessary to defray the expenses incurred in the support and funeral of such person, and if any balance shall remain, the same shall be paid over to the legal representatives of such person after his death, upon demand made and security being given to indemnify such directors or overseers from the claims of all other persons.

SECTION 34. It shall be the duty of the directors of the poor of the several counties in which poor houses are or may be erected, once in every year, after the accounts shall have been audited and settled, to make out a full and correct statement of their receipts and expenditures for the preceding year, together with a statement of the number of poor persons supported, specifying their sex, age, or infirmity, if any, and of the profits arising from all farms under their directions; and it shall be the duty of such directors annually in the month of March, to publish such accounts and statement, at least twice, in two or more newspapers printed in such county, the expense of which shall be paid out of the county treasury, and forthwith transmit a copy of such accounts

and statement to the Governor, to be by him transmitted to the legislature: *Provided*, That the accounts of the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn. shall be audited at the alms house of said corporation, in the township of Blockley, in Philadelphia county.

SECTION 35. It shall be the duty of every justice, who shall by virtue of any law of this commonwealth receive any fine, penalty, or forfeiture appropriated by law for the use of the poor, forthwith to enter at length on his docket, the name of the person convicted, the offence committed, the amount of such fine, penalty or forfeiture, and the time when the same was paid, and forthwith to deliver a correct transcript of such entry to a constable of the township, and such justice shall on demand, pay over the same to the overseers of the poor lawfully entitled thereto, and shall annually, if required, exhibit his docket to the inspection of the township auditors.

SECTION 36. If any justice shall wilfully neglect or refuse to perform the duties enjoined on him as aforesaid, touching any fine, penalty or forfeiture appropriated to the use of the poor, he shall, on conviction thereof, in the court of Quarter Sessions of the proper county, be deemed guilty of a misdemeanor in office, and fined, for the use of the poor of the township in which he shall reside, any sum not exceeding twenty dollars, and if he shall be convicted of neglecting or refusing to pay over on demand, to the proper overseers, any money which he shall have received as aforesaid, he shall be fined over and above the last mentioned sum, any sum not exceeding double the amount which he shall have received as aforesaid, which sums shall be recovered by process of said court.

SECTION 37. It shall be the duty of the overseers of every district, to demand from every justice, the amount of any fine, penalty, or forfeiture that may have been received by him for the use of the poor, and if the same be not paid to them within twenty days, to proceed to recover the same by suit against such justice, in the manner that debts of the like amount are or may be by law recoverable.

SECTION 38. It shall be the duty of the clerk of every court by whom any fine shall be imposed, which by law is to be appropriated, in whole or in part, to the use of the poor, forthwith to deliver a written notice of the same to a constable, living in or near the township in which the person fined resides, for which service such clerk shall receive the sum of twenty-five cents from the proper overseers, and no more.

SECTION 39. It shall be the duty of the constable to whom any transcript or certificate shall be delivered by a justice of the peace or clerk of the court as aforesaid, under a penalty

## LAWS OF PENNSYLVANIA,

of ten dollars, to be recovered before any other justice of the proper county, to deliver such transcript or certificate to one of the overseers of the district to which such fine, penalty or forfeiture belongs, and for such service, such constable shall be entitled to receive from such overseers the sum of twenty-five cents, and no more.

SECTION 40. It shall be the duty of every sheriff who shall have received any fine, penalty or forfeiture which by law may be appropriated to the use of the poor, to pay the same on demand, to the proper overseers, and if he shall fail to do so, within ten days after demand, he shall, on conviction thereof in the court of Quarter Sessions of the proper county, be fined and pay to the use of the poor of the proper district, any sum not exceeding double the amount received by him, to be recovered by the process of the said court.

SECTION 41. In all cases where there are no poor persons supported at the expense of a district, or where there shall remain in the hands of the overseers, at the end of the year, an unexpended balance, arising from fines, penalties or forfeitures received for the use of the poor, it shall be the duty of the overseers to pay all such fines, penalties and forfeitures, as may have been received by them, and such unexpended balance, to the supervisors of the highways, to be applied to the repair of the public roads in such district, unless the township auditors shall judge it necessary that the whole or part thereof should be retained as a fund for the use of the poor.

SECTION 42. If any overseer shall neglect or refuse to perform any duty enjoined upon him by law, and not otherwise provided for, he shall be liable to an indictment for a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, at the discretion of the court, to be recovered by the process thereof.

SECTION 43. The several fines, forfeitures and penalties, and other sums of money imposed or directed to be paid by this act, and not herein directed to be otherwise recovered, shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender, by warrant, under the hand and seal of any one magistrate of the city or county where such delinquent or offender dwells, or where such goods and chattels may be found, and after satisfaction made of such fines, forfeitures and penalties, and sums of money, together with the legal charges, on the recovery thereof, the overplus, if any, shall be returned to the owner of such goods and chattels, his executors or administrators.

SECTION 44. If any person shall be aggrieved by the judgment of any one or more magistrates in pursuance of this act, he may appeal to the next court of Quarter Sessions for the county in which such magistrates reside, (except in

cases herein before specially provided for,) whose decision in all such cases shall be final and conclusive.

SECTION 45. The word "district" in this act, shall be construed and taken to mean "township" and "borough," and every other territorial or municipal division, in and for which officers charged with the relief and support of the poor are directed or authorized by law to be chosen, but nothing in this act contained, shall be taken to repeal or otherwise interfere with any special provision made by law for any city, county, township, borough, or other territorial or municipal divisions.

SECTION 46. It is hereby declared to be the meaning of the third section of the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Washington," approved the sixth day of April, Anno Domini, one thousand eight hundred and thirty, that the directors of said institution have power to bind out as apprentices such poor children as may come under their notice, according to the directions of said act, without the approbation and consent of two or more magistrates.

SECTION 47. That all laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.  
THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.



No. 169.

## An Act

Relating to roads, highways and bridges.

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SECTION 1. The courts of Quarter Sessions shall, upon being petitioned for the purpose, appoint six persons to view ground proposed for a road, and make report.