

CHAPTER CCXLV.

1721.

An ACT for preventing accidents that may happen by fire. (k)

BE it enacted, That if any master, or other person whatsoever, shall bream any ship, sloop or other vessel, with blazing fire, or cause the same to be done in any of the docks, or at any of the wharfs, within the limits of the-city of Philadelphia, except in such place or places, as shall from time to time be appointed for that service, by the Mayor and Commonalty of the said city; and if any master, or other person whatsoever, shall heat, or cause to be heated, with blazing fire, any pitch, tar, turpentine, rosin, oil, tallow, or any sulphurous matter, for the use of any ship or vessel, other than such as shall be on the stocks, except in such places as shall be from time to time appointed as aforesaid, every such master, or other person whatsoever, doing or causing the same to be done, being convict thereof by one or more credible witnesses, before the Mayor and Recorder, or any two Magistrates of the said city, shall forfeit and pay the sum of five pounds for every such offence, together with costs of prosecution; one half whereof for the use of the person or persons, who shall sue or prosecute for the same, and the other half to be paid to the city Treasurer, for the use of the said city. (l)

II. And be it further enacted, That if any master or other person whatsoever, shall suffer any fire to be kept (candle excepted,) after the hour of eight in the evening, on board any ship or other vessel, lying in any of the docks, or at any of the wharfs aforesaid, or in the road before the said city, being convict thereof as aforesaid, shall, for every such offence, forfeit and pay the sum of ten shillings, for the uses aforesaid. *Provided always,* That it shall and may be lawful for the Mayor of the city of Philadelphia, for the time being, by licence under his hand, to permit the master of any vessel, lying in the road of Philadelphia aforesaid, to use fire on board such ship or vessel after the hour of eight aforesaid in case of sickness, or any other extraordinary occasion, any thing in this act to the contrary notwithstanding.

(k) See an act passed on the 6th February, 1731, (post. chap. 322,) for the better prevention of accidents by fire in the city of Philadelphia, by bake-houses and coopers' shops. See an act passed the 29th March, 1735, (post. chap. 338,) which was repealed and supplied on the 18th of April, 1794, (chap. 1732,) to prevent damages which may happen by firing of woods; and an act passed on the 9th of February, 1751, (post. chap. 388,) for more effectually preventing accidents that may happen by fire, &c. See, likewise, the acts for regulating the police of South-wark, (post. chap. 481;) and of the Northern Liberties, (post. chap. 624,) and an act for incorporating a company to insure against losses by fire, (post. chap. 576;) the acts incorporating the city of Philadelphia, (chap. 1383,) and the acts respecting the Wardens of the

port, (chap. 2358. March 28th, 1803.)

By an act of the 20th of March, 1772, (chap. 648,) particular regulations were introduced respecting chimney sweepers in the city of Philadelphia; and the act in the text, as far as it relates to firing of chimnies in the city, was repealed. On the same subject, see the acts of the 26th November, 1779, (chap. 875,) of the 29th of September, 1787, (chap. 1307;) and of the 2d of April, 1790, (chap. 1498.) (*Note to former edition.*)

(l) By the existing act respecting the Wardens of the port, it is provided, that if any person shall burn or bream any ship or vessel, or any part thereof, at or near any wharf, or between South and Vine-streets, in the city of Philadelphia, he shall forfeit one hundred and fifty dollars. (Post. chap. 2358, sect. 15.) (*Note to former edition.*)

Penalty on breaming vessels, and heating with blazing fire, pitch, &c. at the wharves in the city, except, &c. [This section is supplied by the 15th section of the act of March 28th, 1803, (post. chap. 2358.)]

No fire to be kept on board any vessel after eight at night:

Without licence from the Mayor.

1721.

Penalty on firing of chimnies.

III. *And be it further enacted*, That if any person or persons within the city of Philadelphia, or towns of Chester, Bristol, Germantown, Darby, or Chichester, shall set on fire their chimnies, to cleanse them, or shall suffer them or any of them to take fire, and blaze out at the top, and be duly convicted thereof, by one credible witness, before any one Justice of the Peace of the said city or counties, such person or persons shall forfeit and pay for every such offence twenty shillings, for the use of the said city or towns respectively, where such offence shall happen. And the first paragraph of an act of Assembly of this province, imposing a fine of forty shillings upon every person that shall fire, or suffer their chimnies to be fired, shall and is hereby declared to be repealed and made void. (m)

Fire-works not to be fired in Philadelphia, without the Governor's licence.

IV. And whereas much mischief may happen by shooting of guns, throwing, casting and firing of squibs, serpents, rockets, and other fire-works, within the city of Philadelphia, if not speedily prevented: *Be it therefore enacted*, That if any person or persons, of what sex, age, degree or quality soever, from and after publication hereof, shall fire any gun or other fire-arms, or shall make, or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets, or other fire-works, or shall cast, throw or fire, any squibs, rockets, or other fire-works, within the city of Philadelphia, without the Governor's special licence for the same, of which licence due notice shall first be given to the Mayor of the said city, such person or persons so offending, and being thereof convicted before any one Justice of the Peace of the said city, either by confession of the party so offending, or by the view of any of the said Justices, or by the oath or affirmation of one or more witnesses, shall for every such offence forfeit and pay the sum of five shillings; one half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute, and cause such offender to be as aforesaid convicted; which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison, for every such offence the space of two days, without bail or main-prize: *Provided*, That such conviction be made within ten days after such offence committed. And if such offender be a Negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the Magistrate. (n)

Limitation of prosecutions.

Passed 26th August, 1721.—Recorded A. vol. II. page 219.

(m) By the act of the 9th of February, 1751, (post. chap. 388,) the penalties of this act are extended to firing chimnies, &c. in any county town, or other town or borough, already built and settled, or that may hereafter be built and settled; but on the introduction of special regulations, respecting chimney sweepers in the city of Philadelphia, the act in the text, so far as it relates to firing chimnies in the city was repealed: See chap. 648. (*Note to former edition.*)

(n) By the act of 9th February, 1751. (post. chap. 388,) the penalties of the act in the text, for the offences described in this section, are extended to all county towns or other towns or boroughs, built and settled, or that may hereafter be built and settled.

By the act for the gradual abolition of slavery, (chap. 870,) it is declared, that Negro and Mulatto slaves shall be tried and punished in like manner as other inhabitants of the state. (*Note to former edition.*)