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act of March 21st, 1772, (chap. 658.) And between the counties of Cumberland, Bedford and Northumberland by act of September 30th, 1779, (chap. 837.) But the lines ascertained by this last act, relate, now only to the counties of *Mifflin*, *Huntingdon* and *Centre*.

By the Judiciary act, passed February 24th, 1806, (chap. 2634,) *Mifflin*, *Centre*, *Huntingdon* and *Bedford* counties, form the fourth judicial district. The Courts in Bedford are held on the first Mondays in January, April, August and November. The term continues one week.

The county of Bedford is attached to the southern district of the Supreme Court by the act of March 11th, 1809.

By the last enumeration, the county of Bedford contained two thousand eight hundred and fifty one taxables; and with the counties of Somerset and Cambria, five thousand two hundred and six taxables; and by the act apportioning the representation in pursuance thereof, March 21st, 1808, (chap. 2931,) sends two members to the house of representatives, and with the counties of Somerset and Cambria, one member to the Senate.

By the act of September 1785, (chap. 1164,) The county of Bedford was divided into five election districts. This number was of course diminished by the erection of the county of *Huntingdon*. And by act of September 29th, 1789, (chap. 1445,) the township of *Londonderry* is erected into a separate district, and called the *fourth* district; and the townships of *Air* and *Dublin*, into a separate district, and called the *5th* district.

By act of April 3d, 1792, (chap. 1610,) the fourth district is divided into two districts.

The place of holding the election in the second district, altered April 10th,

1792, (chap. 630,) and in the 5th district, January 24th, 1793, (chap. 640.)

The *seventh* and *eighth* districts erected April 11th, 1793, (chap. 1675.)

The ninth district erected February 5th, 1794, (chap. 1702.)

The tenth district erected, March 13th, 1795, (chap. 1797.)

By act of March 21st, 1797, part of Belfast township is annexed to the fifth district, and the place of holding the elections in said district, fixed, (chap. 1922.)

The place of holding the election in Londonderry township changed Feb'y 23d, 1801, (chap. 2184,) and in the 5th district, Feb'y 13th, 1802, (chap. 2227.)

By reason of the division of Bedford county, and several districts falling into Somerset a new district, erected April 2d, 1802, (chap. 2266,) is called the *eighth* district.

The place of holding elections in Cumberland Valley township, changed April 3d, 1804, (chap. 2507, sect. 2.)

Greenfield township erected into a separate district, April 4th, 1805, (chap. 2599, sect. 11.)

Southampton township erected into a separate district, March 31st, 1806, (chap. 2715, sect. 10.)

Providence township, Dublin township, and Bethel township, erected into three separate districts, April 11th, 1807, (chap. 2356, sect. 8, 9, 10.)

Belfast township made a separate district, and part of Dublin re-annexed to M'Connell's town district, and St. Clair township made a separate district, March 28th, 1808, (chap. 2972, sect. 1, 4, 14.)

The place of holding the elections in Hopewell township changed, April 4th, 1809.

For other matters relating to Bedford county, see title, *Bedford County*, in the General Index.

CHAPTER DCXXXV.

An ACT for the relief of the poor.

WHEREAS the laws hitherto made for the relief of the poor have not answered all the good purposes that were expected from them: *Be it therefore enacted*, That the Mayor or Recorder of the city of Philadelphia, with the Aldermen of said city, or any two of them, and the Justices of the Peace of the respective counties of this province, or any three of them, shall, on the twenty-fifth day of March, yearly and every year, unless the same shall happen on a Sunday, and in such case on the day following, meet at some convenient place within the said city, and in the several

Mayor or Recorder, &c. of Philadelphia, and Justices of the respective counties to meet yearly on the 25th of March, and

counties respectively, and there nominate and appoint twelve substantial inhabitants of the said city, four of the Northern Liberties, four of the district of Southwark, and two of every borough and other township within their respective jurisdictions, to be Overseers of the poor of the said city, district, boroughs and townships; for which purpose the Overseers going out of office shall, on the day aforesaid, return to the said Magistrates and Justices the names of twelve substantial inhabitants, or more, for the city, four or more for the said district, four or more for the said Liberties, and two or more for each borough and other township, out of which number successors in the said office shall be appointed by the said Magistrates and Justices for the ensuing year. And if any Overseer shall refuse or neglect to make such return as aforesaid, he shall forfeit and pay any sum not exceeding ten pounds. *Provided always, That the Overseer or Overseers making such return shall give notice thereof in writing, at least six days before the twenty-fifth day of March, to the person or persons, whose name or names are so to be returned, or leave the same at his or their dwelling-house or place of abode. And if any Overseer shall die, fail to make a proper return, remove, or become insolvent, before the expiration of his office, two of the said Aldermen or Justices respectively, on due proof being thereof made before them, may appoint another in his stead.*

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appoint
Overseers,
&c.

Overseers
going out of
office, to
return the
names, &c.

Penalty on
refusal or
neglect.

Six days
notice to be
given the
persons to
be returned
&c.

II. *And be it further enacted, That every Overseer so nominated and appointed shall, before he enters upon the execution of his office, take an oath or affirmation respectively, according to law, which any Alderman in the said city, or any Justice in the county respectively, is hereby authorized and empowered to administer; That he will discharge the office of Overseer of the poor truly, faithfully and impartially, to the best of his knowledge and ability.*

Overseers
to take an
oath or
affirmation.

III. *And be it further enacted, That it shall and may be lawful for any two Justices of the Peace for the county, and the Mayor or Recorder and any two Aldermen of the city of Philadelphia, upon complaint made to them by the Managers elected by the Contributors to the relief and employment of the poor in the city of Philadelphia, or by a majority of them, that a sum of money is wanting, or likely so to be, to support and employ the poor in the House of Employment in the said city, to issue their warrant, under their hands and seals, directed to the Overseers of the Poor of the said city, district of Southwark, and townships of Moyamensing, Passyunk, and the Northern Liberties, requiring them forthwith to levy, collect and raise, such and the same rate, by a joint assessment on all estates real and personal, and taxables, in the manner, and under the same penalties, within the said city, district and townships, herein after directed for levying, collecting and raising such rates in the several boroughs and other townships in this province, as to the said Justices, and Mayor or Recorder and Aldermen, shall appear necessary for the purposes aforesaid. And if any of the said Overseers shall neglect or refuse to levy, collect and raise the said rate, so ordered by the said Justices, Mayor or Recorder and Aldermen, and to pay the same, after the charges arising from the reception and removal of their respective poor, and of collecting the said*

Justices,
&c. upon
complaint
made by
the Managers
of the
House of
Employment
that
money is
wanting to
issue their
warrant to
the Overseers,
for
levying a rate
or assessment,
&c.

Penalty on
their neglect
or refusal.

1771. rate, are deducted, to the Treasurer of the Corporation of Contributors to the relief and employment of the poor in the city of Philadelphia, within two months after the receipt of such order or warrant, every such Overseer, being thereof legally convicted, shall forfeit to the said Corporation the sum of fifty pounds.

Overseers of the poor of the several boroughs and townships, with the approbation of two Justices, to lay a rate or assessment, &c.

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

The same may be repeated as often as necessary in one year, &c.

V. *And be it further enacted*, That it shall and may be lawful to and for the Overseers of the poor of the said boroughs and townships to contract with any person or persons for a house or lodging, for keeping, maintaining and employing, any or all such poor in said boroughs and townships respectively, as shall be adjudged proper objects of relief, and there to keep, maintain and employ all such poor persons, and take the benefit of their work, labour and service, for and towards their maintenance and support; and if any poor person shall refuse to be lodged, kept, maintained and employed in such house or houses, he or she shall be put out of the book, and shall not be entitled to receive relief from the Overseers during such refusal.

Overseers of boroughs, &c. to contract for a house or lodging, for maintaining and employing the poor, &c.

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

Overseers to be guided by the county assessment, in laying their rates, &c.

VII. *And be it further enacted,* That if any person or persons so rated or assessed in the said city or district, or any borough or township, shall refuse to pay the sum or sums on them charged, it shall and may be lawful to and for the said Overseer or Overseers (having first obtained a warrant, under the hand and seal of any Magistrate of the said city, or any Justice of the Peace of the county respectively, where the said assessment is made, who is hereby empowered to grant such warrant) to levy the same on the goods and chattels of the person or persons so refusing; and in case such person shall not, within three days next after such distress made, pay the sum or sums on him assessed, together with the charge of such distress, that the said Overseer or Overseers may proceed to the sale of the goods distrained, rendering to the owner the overplus, if any, that shall remain on such sale, reasonable charges being first deducted. And in case such person or persons have no goods and chattels, whereby they may be distrained, it shall be lawful for the said Justices, Magistrate or Justice respectively, to commit the offenders to prison, there to remain without bail or main-prize, until they have paid the same. *Provided always,* That if any person or persons shall find him, her or themselves, aggrieved with such rate or assessment, it shall be lawful for the Magistrates or Justices of the Peace, at their next General Quarter Sessions for the city or county respectively, upon petition of the party, to take such order therein, as to them shall be thought convenient, and the same to conclude and bind all parties; and the Overseers shall forbear to proceed in such sale, till the same be determined in the Quarter Sessions.

Persons refusing to pay the sums rated, the same to be levied on their goods and chattels, &c.

Where there are no goods and chattels the offenders to be committed to prison.

Persons aggrieved. Justices at the Quarter Sessions to determine thereon.

VIII. *And be it further enacted,* That it shall and may be lawful for the Managers of the House of Employment in the city of Philadelphia, or a majority of them, and the Overseers of the poor of the boroughs and townships aforesaid, by the approbation and consent of two or more Magistrates of the said city, or two Justices of the Peace of the county, to put out as apprentices all such poor children, whose parents are dead, or shall be by the said Magistrates, or Justices and Managers, found unable to maintain them; males to the age of twenty-one, and females to the age of eighteen years.

Managers of the House of employment, &c. to put out poor children as apprentices, &c. See ante. chap. 616. pa. 309.

IX. *And be it further enacted,* That no person or persons shall be admitted or entered, in the poor book of the said House of Employment, or of any of the said boroughs or townships, or receive relief, before such person or persons shall have procured an order from two Magistrates, or Justices of the Peace, for the same. And in case the said Managers or Overseers shall enter in their books, or relieve any such poor person or persons, without such order, they shall forfeit all such money or goods, so paid or distributed, unless such entry and relief shall be approved of by two Magistrates or Justices as aforesaid.

No person to be entered in the poor books, without an order from two Magistrates, &c.

X. *And be it further enacted,* That the Overseers of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties, Moyamensing and Passyunk, shall, on the twenty-fifth day of March in every year, or within six weeks after, render to the Justices of the county of Philadelphia, and to the

Overseers of the city of Philadelphia, &c. to render a just account, in writing, to

1771. **Magistrates** of the said city respectively, or to any three of them, the **Mayor** or **Recorder** being one, a just account in writing fairly entered in a book to be kept for that purpose, and signed by them, of all sums by them received, or rated and not received, and of all money paid by such **Overseers**, and of all other things concerning their office; which accounts, when settled, shall be signed by the said **Justices** or **Magistrates**, who shall have full power to allow such parts thereof only, as to them shall seem just and reasonable. And if any such **Overseer** or **Overseers** shall refuse or neglect to make and yield up such accounts within such time, or if any **Overseer** or **Overseers**, whose office that year expires, shall refuse or neglect to pay all the monies raised by assessments, which shall remain in their hands, after deducting the charges of receiving and removing paupers as aforesaid; and also all other monies, which shall remain in their hands, by fines, forfeitures or donations, to the **Treasurer** of the said **Corporation** of **Contributors**, and deliver up the said books, and every thing in his or their hands concerning the said office, to his or their successor or successors, or shall refuse or neglect to collect and pay to the **Treasurer** all such sums of money, as are uncollected on the rate or assessment at the expiration of his or their office, which they are hereby enabled to collect by warrant under the hand and seal of any one **Magistrate** within the said city, or **Justice** within the said county, respectively, within six weeks after his or their going out of office, it shall and may be lawful to and for the said **Justices** and **Magistrates** respectively, or any three of them, to commit such **Overseer** or **Overseers** to the common gaol, there to remain, without bail or main-prize, till such **Overseer** or **Overseers** shall give such account, and pay and yield up such money, books and other things, as they ought in manner aforesaid.

XI. *And be it further enacted,* That the freeholders of every borough and township in this province (except the townships of the Northern Liberties, Moyamensing and Passyunk) shall meet together on the third Saturday in March yearly and every year, and choose, by tickets in writing, three capable and discreet freeholders, to settle and adjust the accounts of the **Overseers** of the poor of the respective boroughs and townships for the preceding year, and the person who shall have served the office of **Overseer** shall, on the said day, or within fifteen days after, deliver and render to the said freeholders a just account in writing, entered in a book to be kept for that purpose, and signed by him, of all sums by him received, and also of all materials that have come to his hands during his office, or that shall be in his hands, or in the hands of any of the poor, to be wrought, and of the produce of the labour of the poor under his care, and of all money paid by such **Overseers**, and of all other things concerning his office; which accounts, when settled, shall be signed by the said freeholders, or any two of them, who shall have full power to allow such parts thereof only, as to them shall appear just and reasonable. And the said **Overseers** shall make fair entries in a book, of the names of all the poor within their respective boroughs and townships, with the time when each of them became chargeable, and of all certificates delivered to them, and by whom, with the times when the same were delivered; for which

Penalty or Overseers refusing to yield their accounts, and pay all monies remaining in their hands, &c.

Freeholders of every borough and township to meet yearly on the third Saturday in March, and choose three persons to settle and adjust the accounts of the Overseers, &c.

Overseers to make fair entries of the names of all the poor, &c.

trouble the said freeholders, or any two of them, shall, on settling their accounts, make such allowances as they shall judge reasonable. And if any of the said Overseers shall refuse or neglect to make and yield up such books and accounts, within the time as aforesaid, or if any such whose office shall expire shall refuse or neglect to pay over the money, and deliver up the books aforesaid, and every other thing in his hands, concerning his said office, to his successors, or shall refuse or neglect to collect and pay to such successors all such sums of money as are uncollected on the rate or assessment at the expiration of his office (which he is hereby empowered to collect by warrant, to be issued under the hand and seal of any one Justice of the Peace in and for his respective county) within thirty days after his going out of office, it shall and may be lawful to and for any Justice of the Peace of the said county to commit such Overseer to the common gaol, there to remain, without bail or main-prize, till such Overseer shall give such accounts, and pay and deliver up such money, books and other things, as he ought in manner aforesaid. 1771.

Penalty on their refusing to yield up the books and accounts, &c.

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

Persons aggrieved, may appeal, &c.

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

Overseers of boroughs, &c., to give five days notice of the place where the inhabitants are to meet to elect freeholders, &c.

XIV. *And be it further enacted*, That if any person, appointed as Overseer of the poor of the city of Philadelphia, shall refuse or neglect to take upon him the said office, he shall forfeit twenty pounds to the Overseers of the poor of the said city, for the use of the poor thereof. And if any person, appointed as Overseer of the poor of any borough, township or place, shall refuse or neglect to take upon him the said office, he shall forfeit five pounds to the Overseers of the poor of the said borough, township or place, for the use of the poor thereof; and the said forfeitures shall be levied by warrant from any two Justices of the county, or any two Magistrates of the city of Philadelphia, respectively, under their hands and seals, on the goods and chattels of such person or persons so neglecting or refusing, and sold within three days next after such

Penalty on Overseers refusing to serve, &c.

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In case of the removal or death of any Overseer all books, papers, &c. to be delivered to other Overseers, &c.

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

Gifts, grants, devises, &c. not exceeding the yearly value of £ 500, to be available in law.

XV. *And be it further enacted,* That all gifts, grants, devises and bequests, hereafter to be made, of any houses, lands, tenements, rents, goods, chattels, sum or sums of money, not exceeding in the whole, including all gifts, grants, devises and bequests, heretofore made, the yearly value of five hundred pounds, to the poor of any borough or township within this province (except the townships as before excepted) or to any other person or persons for their use, by deed, or by the last will and testament of any person or persons, or otherwise howsoever, shall be good and available in law, and shall pass such houses, lands, tenements, rents, goods and chattels, to the Overseers of the poor of such borough or township, for the use of their poor respectively.

Overseers of the poor for the city, and the different boroughs, &c. incorporated.

XVI. *And be it further enacted,* That the said Overseers of the poor for the city, boroughs, district and townships aforesaid, for the time being respectively, shall for ever hereafter, in name and in fact, be, and they are hereby declared to be, bodies politic and corporate in law, to all intents and purposes, and shall have perpetual succession, and by the name of Overseers of the poor of the said city, boroughs, district and townships, may sue and be sued, and plead and be impleaded, in all courts of judicature within this province; and by that name shall and may purchase, take or receive any lands, tenements or hereditaments, goods, chattels, sum or sums of money, not exceeding in the whole, including all gifts, grants, devises, and bequests, heretofore made, the aforesaid yearly value of five hundred pounds, to and for the use and benefit of the poor of the said city, or each of the said boroughs, district or townships respectively, of the gift, alienation or devise of any person or persons whomsoever, to hold to them, the said Overseers, and their successors in the said trust, for the use of the said poor for ever.

What is to be deemed gaining a legal settlement in this province.

XVII. *And be it further enacted,* That if any person, who shall come to inhabit in the said city of Philadelphia, or in any borough, township or place, in this province, shall for himself, and on his own account, execute any public office, being legally placed therein, in the said city, borough, township or place, during one whole year; or if any person shall be charged with and pay his or her share to-

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

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

Manner of indented servants gaining a legal settlement, &c.

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

Legal settlement of married women, how determined.

XX. *And be it further enacted,* That if any person or persons, after the publication of this act, shall come out of the city of Philadelphia, or any borough, township or place, into another borough, township or place, within this province, or shall come out of any borough, township or place, in this province, into the city of Philadelphia, there to inhabit and reside, and shall at the same time procure, bring and deliver unto the Overseers of the poor of the city, borough, township or place, where he or she shall come to inhabit, a certificate, under the hands and seals of the Overseers of the poor of the city, borough, township, or place, from whence he, she or they removed, to be attested by two or more credible witnesses, thereby acknowledging the person or persons mentioned in the said

Persons removing out of the city of Philadelphia to any borough, township, &c. or from any borough, &c. into the city, and producing a certificate, how to be provided for, &c.

1771. certificate to be an inhabitant or inhabitants, legally settled in that city, borough, township or place, every such certificate, having been allowed of and subscribed by one or more Justices of the Peace of the city, or of the county where such borough, township or place, doth lie, shall oblige the said city, borough, township or place, to provide for the persons mentioned in the said certificate, together with his or her family, as inhabitants of that place, whenever he, she or they shall happen to become chargeable to, or be obliged to ask relief of the city, borough, township or place, to which such certificate was given, and into which he, she or they were received by virtue of the said certificate, and then, and not before, it shall and may be lawful for any such person, and his or her children, though born in the city, borough, township or place, and his and her servants or apprentices, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled in the city, borough, township or place, from whence such certificate was brought, and the witnesses who attest the execution of the certificate by the Overseers, or one of the said witnesses, shall make oath or affirmation, according to law, before the Justices who are to allow the same, that such witness or witnesses did see the Overseers of the poor, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate, and that the names of such witnesses attesting the said certificate are of their own proper hand writing; which said Justices shall also certify that such oath or affirmation was made before them; and every such certificate so allowed, and oath or affirmation of the execution thereof so certified, by the said Justices, shall be taken and received as evidence, without other proof thereof. And no person so coming by certificate into the said city, or any borough, township or place, nor an apprentice or servant to such person, shall be deemed or adjudged, by any act whatsoever, to have gained a legal settlement therein, unless such person shall, after the date of such certificate, execute some public annual office, being legally placed therein in the said city, borough, township or place.

No person coming into any city, &c. without a certificate shall gain a legal settlement therein, except, &c.

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

Complaint being made by the Overseers of the Poor of persons likely to become chargeable, Magistrates to issue their warrant or order for removal, &c.

XXII. *And be it further enacted,* That upon complaint being made by the Overseers of the poor of the said city to any one or more of the Magistrates of the said city, or by the Overseers of the poor of any borough, township or place, to one or more of the Justices of the Peace of the county, wherein such borough, township or place is situate, it shall and may be lawful to and for any two Magistrates of the said city, or any two Justices of the said county respectively, where any person or persons is or are likely to become chargeable to the said city, borough, township or place, in which he, she or they shall come to inhabit, by their warrant or order, di-

rected to the said Overseers, to remove and convey such person or persons to the city, borough, township, province or place, where he, she or they was or were last legally settled, unless such person or persons shall give sufficient security to discharge and indemnify the said city, borough, township or place, to which he, she or they is or are likely to become chargeable as aforesaid.

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XXIII. *Provided always,* That if any person or persons shall think him, her or themselves, aggrieved by any order of removal made by any of the said Justices or Magistrates, such person or persons may appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace for the county, from whence such poor persons shall be removed, and not elsewhere, which said court shall determine the same; and if there be any defects of form in such order, the Justices in the said Sessions shall cause the same to be rectified and amended, without any 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 Overseers of the city, borough, township or place, appealing, unto the Overseers of the city, borough, township or place, from which the removal shall be, the reasonableness of which notice shall be determined by the Justices, at the Quarter Sessions to which the appeal is made; and if it shall appear to them, that reasonable time of notice was not given, then they shall adjourn the appeal to the next Quarter Sessions, and there determine the same.

Persons aggrieved may appeal to the Justices at the Quarter Sessions, who are to determine, &c.

XXIV. *And be it further enacted,* That for the more effectual prevention of vexatious removals and frivolous appeals, the Justices in Sessions, upon any appeal concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officer to the Overseers of the said city, or of any borough, township or place (though they did not afterwards prosecute such appeal) shall at the same Sessions order to the party, in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges, as by the said Justices, in their discretion, shall be thought most reasonable and just, to be paid by the Overseers, or any other person, against whom such appeal shall be determined, or by the person that did give such notice; and if the person ordered to pay such costs and charges shall live out of the jurisdiction of said Court, any Justice where such person shall inhabit shall, on request to him made, and a true copy of the order for the payment of such costs and charges, certified under the hand of the Clerk of the Court, by his warrant, cause the same to be levied by distress; and if no such distress can be had, shall commit such persons to the common gaol, there to remain, without bail or main-prize, until he pays the said costs and charges. And if the said Justices on such appeal shall determine in favour of the appellant, that such poor person was unduly removed, they shall at the same Quarter Sessions order and award to such appellant so much money, as shall appear to the said Justices to have been reasonably paid by the city, borough, township or place, on whose behalf such appeal was made, towards the relief of such poor person, between

Method of proceeding, in case of vexatious removals and frivolous appeals, &c.

1771. 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.

XXV. *And be it further enacted,* That if any house-keeper or inhabitant of this province shall, after the publication of this act, take into, receive or entertain in his or her house or houses, any person or persons whatsoever (all mariners coming into this province, and every other healthy person coming from Europe immediately into the said province, only excepted) not being persons who have gained a legal settlement in some city, borough, township or place, within this province, and shall not give notice in writing, which they are hereby required to do, within three days next after the taking into or entertaining any person or persons in his or her house, within the city of Philadelphia, to the Overseers of the poor of the said city, and within ten days next after taking into or entertaining any person or persons in his or her house, in any borough, township or place, within this province, to the Overseers of the poor of the borough, township or place, where such person dwells, such inhabitant or house-keeper, being thereof legally convicted, by testimony of one credible witness, on oath or affirmation, before any one Magistrate of the said city of Philadelphia, or before any one Justice of the Peace of the county where such person dwells, shall forfeit and pay the sum of twenty shillings for every offence, the one moiety for the use of the poor of the said city, borough, township or place respectively, and the other moiety to the informer, to be levied on the goods and chattels of the delinquents, in the manner herein after directed; and for want of sufficient distress, the offender to be committed to the work-house of the said city or county, 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 any other province, if any such he or she hath, or shall happen to die, and not have wherewithal to defray the charges of his or her funeral, then, and in such case, the house-keeper or person convicted of entertaining or concealing such poor person, against the tenor of this act, shall be obliged to provide for and maintain such poor and indigent person or persons, and, in case of such poor person's death, shall pay the Overseers of the poor so much money, as shall be expended on the burying of such poor and indigent person or persons; and upon refusal so to do, it shall be lawful for the Overseers of the poor of the said city, borough, township or place respectively, and they are hereby required to assess a sum of money on the person or persons so convicted, from time to time, by a weekly assessment, for maintaining such poor and indigent person or persons, or assess a sum of money for defraying the charges of such poor person's funeral, as the case may be: And in case the party convicted shall refuse to pay the sum of money so assessed or charged to the Overseers of the poor, for the uses aforesaid, the same shall be levied on the goods and chattels of the offender, in the manner herein after directed; but if such persons, so convicted, have no goods or

Penalty on house-keepers, &c, entertaining persons, not having a legal settlement in this province, &c.

chattels to satisfy the money so assessed for him or her to pay, that then it shall and may be lawful for the said Magistrates or Justices to commit the offender to prison, there to remain, without bail or main-prize, until he or she hath paid the same, or until he or she shall be discharged by due order of law.

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XXVI. *And be it further enacted,* That if any person be removed by virtue of this act, from one county, city, borough, township or place, to another, by warrant or order, under the hands and seals of two Justices of the Peace or Magistrates as aforesaid, the Overseers of the poor of the city, borough, township or place, to which the said person shall be so removed, are hereby required to receive the said person; and if any of the said Overseers shall refuse or neglect so to do, he or they so offending, upon proof thereof by one or more credible witnesses, upon oath or affirmation, before any one of the Magistrates or Justices of the Peace of the city or county where the offender doth reside, shall forfeit, for every such offence, the sum of five pounds, to the use of the poor of the city, borough, township or place, from which such person was removed, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the said Magistrate or Justice of the Peace, which he is hereby required and empowered to make, directed to the constable of the city, borough, township or place, where such offender or offenders dwell, returning the overplus, if any be, to the owner or owners; and for want of sufficient distress, then the offender to be committed to the gaol of the county where he dwells, there to remain, without bail or main-prize, for the space of forty days.

Penalty on Overseers not receiving persons removed by warrants, &c.

XXVII. *And whereas it often happens that poor persons, sometimes with certificates, and sometimes without, come from the city of Philadelphia into some township or place within this province, and from some place or township of this province into the said city of Philadelphia, or into some other township of this province, and conceal themselves until they become sick or lame, and cannot be removed, or die before they can be removed; by reason whereof the inhabitants of the city, borough, township or place, where such poor person or persons fell sick, or died, are put to charges, without any means to relieve themselves from the payment of the monies expended for the maintenance or burying of such poor person or persons: Be it therefore enacted,* That if any poor person or persons shall come out of the city of Philadelphia into any borough, township or place, within this province, or shall come out of any borough, township or place, within this province, into the city of Philadelphia, or any other township or place, within this province, and shall happen to fall sick, or die, before he or she have gained a legal settlement in the city, borough, township or place, to which he or she shall come, so that such person or persons cannot be removed, the Overseers of the poor of the city, borough, township or place, into which such person or persons is or are come, or one of them, shall, as soon as conveniently may be, give notice to the Overseers of the poor of the city, borough, township or place, where such person or persons had last gained a legal settlement, or to one of them, of the name, circumstances and condition of such person or persons; and if the Overseers of the poor, to whom such notice

Poor persons coming from the city of Philadelphia into any borough, &c. or from thence into the said city and fall sick, or die, Overseers to give notice to those where such persons last gained a legal settlement &c.

1771. shall be given, shall neglect or refuse to pay the monies expended for the use of such poor person or persons, and to take order for relieving and maintaining such poor person or persons, or in case of his, her or their death, before notice can be given as aforesaid, shall, on request being made, neglect or refuse to pay the monies expended in maintaining and burying such poor person or persons, then, and in every such case, it shall be lawful for any two Justices of the Peace of the city or county where such poor person or persons were last legally settled, and they are hereby authorized and required, upon complaint made to them, to cause all such sums of money, as were necessarily expended for the maintenance of such poor person or persons, during the whole time of his, her or their sickness, and in case he, she or they die, for his, her or their burial, by warrant under their hands and seals, to be directed to some Constable of the city or county respectively, to be levied by distress and sale of the goods and chattels of the said Overseer or Overseers of the poor, so neglecting or refusing, to be paid to the Overseer or Overseers of the city, borough, township or place, where such poor person or persons happened to be sick, or to die as aforesaid, and the overplus of the 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.

Method of proceeding, in case they refuse to reimburse the expenses, &c.

Overseers being aggrieved, may appeal, &c.

Father and grand-father, &c. of poor impotent persons, being of sufficient ability, to maintain them, &c.

XXVIII. *Provided always,* That if any of the said Overseers shall think him or themselves aggrieved by any sentence of such Justices, or by their refusal to make any order, as is aforesaid, he or they may appeal to the Justices of the Peace, at their next court of Quarter Sessions for the county where such Justices reside, and not elsewhere, who are hereby authorized and required to hear, and finally to determine the same.

XXIX. *And be it further enacted,* That the father and grand-father, and the mother and grand-mother, and the children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of sufficient ability, shall, at their own charge relieve and maintain every such poor person, as the Magistrates or the Justices of the Peace, at their next General Quarter Sessions for the city or county where such poor persons reside, shall order and direct, on pain of forfeiting forty shillings for every month they shall fail therein.

XXX. And whereas it sometimes happens that men separate themselves, without reasonable cause, from their wives, and desert their children, and women also desert their children, leaving them a charge upon the said city, or upon some borough, township or place aforesaid, although such persons may have estates, which should contribute to the maintenance of such wives or children: *Be it therefore enacted,* That it shall and may be lawful for the Overseers of the poor of the said city, having first obtained a warrant or order from two Magistrates of the said city, or for the Overseers of any borough, township or place, where such wife or children shall be so left, or where such wife or children shall be so neglected, having first obtained a warrant or order of any two Justices of the Peace of the county, to take and seize so much of the goods and chattels.

Method of proceeding, in case father or mother desert their children, and leave them chargeable, &c. apte chap. 276, pa. 100.

and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two Magistrates or Justices shall order and direct, for providing for such wife, and for maintaining and bringing up such child or children; which warrant or order being confirmed at the next Quarter Sessions for the city or county respectively, it shall and may be lawful for the Justices there to make an order for the Overseers to dispose of such goods and chattels, by sale or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the said Sessions, of his or her lands and tenements, for the purposes aforesaid; and if no estate, real or personal, of such husband, father or mother, can be found, wherewith provision may be made as aforesaid, it shall and may be lawful to and for the said Justices, in their Court of Quarter Sessions for the city or county respectively, to order the payment of such sums, as they shall think reasonable for the maintenance of any wife or children so neglected, and commit such husband, father or mother, to the common gaol, there to remain, until he or she comply with the said order, give security for the performance thereof, or be otherwise discharged by the said Justices; and on complaint made to any Magistrate of the city of Philadelphia, or to any Justice of the Peace in any county, of any wife or children being so neglected, such Magistrate or Justice shall take security from the husband, father or mother, neglecting as aforesaid, for his or her appearance at the next General Quarter Sessions, there to abide the determination of the said Court, and for want of security, to commit such persons.

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

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

XXXIII. *And be it further enacted,* That if any action shall be brought against any Overseer, or other person, who in his aid, and

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Post. chap.
2357. §. 30.Manner of
recovering
fines, &c.Persons ag-
grieved,
may appeal,
&c.Overseers
&c. sued,
for any

1771. by his command, shall do any thing concerning his office, he may plead the general issue, and give this act, and any special matter, in evidence; and if the plaintiff shall fail in his action, discontinue the same, or become non-suit, he shall pay double costs.

thing done
By direction
of this act,
may plead
the general
issue.
Former
laws relat-
ing to the
poor repea-
ed.
* Chap. 154.
† Chap. 237.
‡ Chap. 336.
§ Chap. 379.

XXXIV. *And be it further enacted,* That an act of the General Assembly of this province, entitled *An Act for the relief of the poor*;* and another act, entitled *An Act for supplying some defects in the law for the relief of the poor*;† and another act, entitled *A Supplement to the several acts of Assembly of this province for the relief of the poor*;‡ and another act, entitled *An Act for amending the laws relating to the poor*,§ be, and are hereby repealed, annulled, and made void.

Nothing in
this act to
abridge the
powers of the
Overseers,
till the twenty-
fifth of
March next.

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

[Obsolete.]

Part of a former law repealed.

XXXVI. *And be it further enacted,* That so much of the act of Assembly, passed in the sixth year of his present Majesty's reign, entitled *an Act for the better employment, relief and support of the poor, within the city of Philadelphia, the district of Southwark, the townships of Moyamensing and Passyunk, and the Northern-Liberties*,* as relates to the applying the monies which shall be raised in the said city, district and townships, for the maintenance, support and employment of their respective poor, or is otherwise hereby altered or supplied, shall be, and is hereby declared to be, repealed, null and void.

* Chap. 534. now wholly repealed and supplied, by act of March 29th 1803. chap. 2357.

Limitation. But now made perpetual, chap. 719. 951. sect. 70.

XXXVII. *And be it further enacted,* That this act shall continue in force for the space of five years, and from thence to the end of the next sitting of assembly, and no longer.

Passed 9th March, 1771.—Recorded A. vol. V. page 367. (r.)

(r) The act in the text, having been limited to five years, was made perpetual, by an act passed April 6th, 1776, (chap. 719.) But that act being passed under the provincial government, it was deemed necessary to pass the act of March 24th, 1778, (chap. 781,) to revive and put in force "An act for the relief of the poor." But both the acts, of 1776 and 1778, are superseded and supplied by the tenth section of an act passed March 25th, 1782, (chap. 951,) which revives, re-enacts, and perpetuates the act in the text, and also repeals so much of the act of February 8th, 1766, (now wholly repealed) as incorporates the township of Passyunk with the city of Philadelphia, the district of Southwark, and the township of Moyamensing

and Northern Liberties. But the whole of chap. 951, except the tenth and twelfth section; so much of the act in the text as relates to the city and liberties; and all other acts relating to the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties, are repealed and supplied by an act passed March 29th, 1803, (post. chap. 2357,) entitled "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."

The consolidating act prescribes the time, places and manner of appointing Guardians of the poor, and the number of them, for the city, district, and town-

slip. Notice to be given to the persons chosen, within two days after their appointment. After the appointment of managers, the remaining number of Guardians to be divided by lot into two classes, and successors to be elected for one year, one half on the third Monday in May, and one half on the third Monday in November, annually. Vacancies by death or removal to be supplied within two days after information thereof. Guardians to take an oath or affirmation (prescribed) before they enter on the duties of their office; and penalty for neglecting or refusing thereof. None but citizens to be Guardians.—Created a corporation, by the name of "The Guardians of the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties." Eight Managers of the house of employment to be appointed by the Guardians, four of which to be from the city, two from Southwark, and two from the Northern Liberties, to be divided into classes, one half to be chosen in May, and the other half in November annually, so that four are appointed every six months. Vacancies to be supplied from the body of Guardians, for the unexpired time of the Manager whose place is vacant. Their duties prescribed—their books to be kept open for the inspection of the Guardians, and while in office to be exempted from all other duties of Guardians, and from serving on juries. The remaining Guardians also exempted from serving on juries. The Managers to take an oath, &c.

The Managers empowered, under certain conditions, to lay an assessment, not exceeding a given amount,—the manner of proceeding therein—to appoint collectors of the poor tax, who shall reside within the proper district, and shall give bond, &c. the powers and duties of the collectors prescribed.

A Treasurer to be annually appointed by the Managers and Guardians out of their own body—his duties prescribed—to give bond, &c.

The Guardians shall appoint a clerk, removeable at pleasure, who shall give bond, &c.

The act then proceeds, to empower the Guardians to afford relief in case of emergency, &c. and the Managers to put out poor children as apprentices—to bind out disorderly persons for a limited time—to direct who shall be admitted on the poor books, &c. What shall be deemed a legal settlement—how indentured servants shall gain a legal settlement—the place of settlement of married women.—Persons removing, &c. to produce certificates.—Proceedings when poor are likely to become chargeable—with appeal to the Sessions.

vexatious removals and frivolous appeals provided against. Measures to be taken to remove old persons, infants, maimed, &c. or to indemnify the city against their becoming chargeable, with like appeal. Penalty on house keepers, &c. entertaining persons not having a legal settlement.

Penalty on the guardians, or overseers of the poor, for not receiving persons removed by warrant or order, &c.

Poor persons removing from the city, &c. or thence from any other place, and falling sick or dying. The guardians, or overseers to give notice to those where such persons last gained a legal settlement, &c. and the method of proceeding in case of refusal to reimburse the expences, &c. Appeal therein to the Sessions. The mode of proceeding to obtain a reimbursement of expences in affording temporary relief to persons not having a legal settlement within the city, &c.

Negroes and mulattoes shall be deemed to be settled, where registered, if slaves; and if free, in the township or place where liberated; if set free after attaining 28 years of age, to be maintained by the former master or mistress, if chargeable, &c.

The father, grandfather, mother, grandmother, children and grandchildren, of poor and impotent persons, shall maintain them, if of sufficient ability.

Proceedings where husbands desert their wives, or parents their children, leaving them chargeable, &c.

How fines are to be recovered, with appeal to the Sessions.

The managers are empowered to make bye-laws, &c. for the government of the paupers, &c.

Guardians or overseers, sued for any thing done by direction of this act to plead the general issue, and give the act in evidence, &c.

Auditors to be appointed annually to settle the accounts of the treasurer, guardians and managers.

By a supplement to this act, passed April 1st, 1805, (post. chap. 2585.) All monies collected for the use of the poor of the city, &c. shall be under the control of the guardians, &c. the mode of filling vacancies in the board of Guardians is more particularly prescribed; and when the Board of Guardians shall deem it expedient to erect additional buildings, how they are to proceed.

From the foregoing summary, it will be seen, there are certain provisions not confined merely to the City and Liberties, but which affect the state at large; particularly those sections which relate to removals and certificates, and

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temporary supplies to persons not settled, and expenses of such persons suddenly dying, or falling sick.

The township of Moyamensing was separated from the City and Liberties, so far as respected the poor, under the act of Feb'y 8th, 1766, (now repealed) by an act passed April 9th, 1791, (chap. 1547.)

By an act passed March 24th, 1809, the commissioners of the Northern Liberties are to choose guardians of the poor at the town-house, &c.

An important act was passed April 3d, 1794, (chap. 1715,) in these words.

"The Justices of the peace, and Judges of the several Courts within this commonwealth are hereby authorized to admit, in all cases respecting the settlement of paupers, the testimony of every otherwise legal witness, notwithstanding he, she or they, may be inhabitants of the city, district, borough, township or townships concerned."

In the county of Dauphin, by act of February 22d, 1808 (chap. 2909,) there is a provision still more extensive: "That in all actions to be commenced by the directors of the poor of the county of Dauphin, for the recovery of any gift, grant, fine, forfeiture, devise or bequest made to the said corporation, or in case of any appeal brought by or against the said directors, respecting the settlement of a pauper, each and every person resident in said county in the first case, and of the counties affected thereby in the second case, shall be competent to hear, try, and give testimony touching the matters in controversy.

By the second section of an act passed March 24th, 1803, (chap. 2346,) it is enacted, "That if the last legal place of settlement of any person or persons, under the poor laws of this commonwealth, now is or hereafter shall be in any township divided, and such person or persons shall become chargeable after the division thereof, he she or they shall be supported by that township within the territory of which he, she or they resided at the time of gaining the settlement."

By an act, entitled "An act to empower the Overseers and Guardians of the poor of the several townships of this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes;" passed April 4th, 1803, (chap. 2387,) it is made the duty of Justices of the peace receiving fines, &c. appropriated to the use of the poor, to make an entry thereof on his docket, and forthwith deliver a transcript thereof to some constable, who shall, under a certain penalty, within twenty days

thereafter, deliver such transcript to one of the Overseers of the poor of the township to which the forfeiture belongs. And the Justice, within two weeks after the receipt of the money, if demanded, shall pay over the same to the Overseers of the poor lawfully entitled thereto, and annually, if required, exhibit his docket to the persons appointed to settle the accounts, &c.

The Justice wilfully neglecting, or refusing to perform such duties, shall be liable to indictment, and on conviction, be deemed guilty of misbehaviour in office, and be fined twenty dollars, &c. and for refusing or neglecting to pay over the money, shall be fined, moreover, double the sum received, to be paid to the proper Overseers.

Overseers, by action of debt or case, before another Justice, or in Court according to the amount, may recover such fines, &c. in the hands of Justices.

Sheriffs, who have received fines imposed on persons refusing to serve the office of constable, shall pay the same to the Overseers, and give notice, &c. as is directed, and under the same penalties, as in the case of Justices.

In case of fines imposed on persons refusing to serve as constables, the clerk of the Court shall give notice thereof, by the constable to the proper overseers.

The Supervisors of the highways in Chester and Lancaster counties, are invested with the powers of the Overseers in other counties, and the monies are to be paid to such supervisors, to repair the highways.

The foregoing provisions are extended to the city and suburbs of Philadelphia, &c. And by a supplement, passed Feb'y 20th, 1804, (post. chap. 2422,) all fines paid into the hands of the Overseers of the poor, where there are no poor, or where any surplus remains, shall, under certain penalties, be paid over by the Overseers to the Supervisors of the highways for the repair of the roads, unless the township auditors shall judge it necessary to retain the whole or a part for the use of the poor.

Numerous acts have been passed for the erection of poor houses in the different counties. In each of these, the office of Overseers of the poor is abolished, and directors of the poor elected by the people. The following acts will therefore complete the view of the system relating to the poor in Pennsylvania.

An act to provide for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster, Feb'y. 27th, 1798, (chap.

1960.) Supplements thereto, Feb'y. 9th, 1799, (chap. 206,) empowered to bind out apprentices, Jan'y. 30th, 1804, (chap. 2405) March 31st, 1807, (chap. 2785.)

An act to provide for the erection of a house for the employment and support of the poor in the county of York, Feb'y. 6th, 1804, (chap. 2413.) The Supplements to this act, 2580, 2583 and 2743, are obsolete.

An act to provide for the erection of a house for the employment and support of the poor in the county of Delaware, Feb'y. 13th, 1804, (chap. 2419.) Supplement thereto, March 31st, 1807, (chap. 2785.)

An act to provide for the erection of a house for the employment and support of the poor in the county of Montgomery, March 10th, 1806, (chap. 2656.) Supplement thereto, Jan'y. 26th, 1807, (chap. 2732,) obsolete.

An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin, March 28th, 1806, (chap. 2701.) Supplements thereto, March 4th, 1807, (chap. 2761, obsolete,) and Feb'y. 22d, 1808, before cited.

An act to provide for the erection of a house for the employment and support of the poor in the county of Franklin, March 11th, 1807, (chap. 2766.)

The rents of a tract of land in Falls township, Bucks county, appropriated for the education of poor children within said township, March 24th, 1807, (chap. 2781.)

An act to provide for the erection of a house for the employment and support of the poor in the county of Bucks, April 10th, 1807, (chap. 2849.)

An act to provide for the erection of a poor house for the better relief and employment of the poor in the township of Oxford and Lower Dublin, in the county of Philadelphia, April 11th, 1807, (chap. 2852.)

An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland, March 24th, 1808, (chap. 2940.) Supplement thereto, April 4th, 1809, (obsolete.)

An act for the better employment, relief and support of the poor within the township of Germantown, in the county of Philadelphia, March 31st, 1809. Limited to six years from that time, and until the close of the then next Session of the Legislature.

A supplement to the act in the text was passed, March 11th, 1809, which enacts that the Overseers of the poor shall be elected and appointed by the same persons, at the same time and in the same manner as Supervisors of the

highways are now elected and appointed; and their accounts shall be audited and settled in like manner, by the same persons appointed to settle the accounts of the Supervisors of the highways. (See title *Roads and Highways* in the General Index.) Provided, that no person shall be obliged to serve as Overseers of the poor more than one year in seven; and this act not to be construed so as to interfere with, or invalidate the respective laws of this commonwealth relating to the establishment of any of the poor houses.

By the existing constitution, art. 7, sect. 1, The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

The former laws having expired by their own limitation—An act was passed, April 4th, 1809, entitled "An act to provide for the education of the poor gratis."

Besides this general provision, a clause is generally inserted in the acts granting monies to the different county academies, that a certain number of poor shall be taught therein gratis, for a limited time.

By an act passed April 22d, 1794, (chap. 1757,) a benevolent provision was made for the support of certain orphan children left destitute by the contagious disease that prevailed in Philadelphia. (This act, of course, is temporary.)

Fallowfield v. Marlborough.

Certiorari to Chester, to remove an order and judgment of Sessions for the removal of *James Heany*.

Exceptions were taken, that it did not appear the pauper had been examined; nor was any reason set forth why he was not.

By the Court. No case can be shewn, where an order was deemed bad, because the examination did not appear on the face of the order. It is not necessary; nor is it necessary that the examination of any person should be set forth. If any pauper was injured by a removal, the remedy might be had here on information; and though it will not restore him, yet he might have complained to the Sessions, where every thing was open. Order confirmed, 1 Dallas, 28.

Upper Dublin v. Germantown.

Two Justices made an order, removing *Rachael Peters* as a pauper, from *Germantown* to *Upper Dublin*. On appeal, the Quarter Sessions of Philadelphia county confirmed the order. It was

1771.

then removed by *certiorari* into the Supreme Court: and the fact on which *Upper Dublin* relied, was, that the two Justices, at the time the order was made, were inhabitants of, and rateable, and contributory to the poor tax of *Germanstown*.

Upon argument, *The Court* unanimously quashed the order of Sessions, and the order of the two Justices. 2 Dallas, 213.

Order of removal of a pauper must state that the complaint was made by the Overseers of the poor of the township removing; and an adjudication, or assertion, that the pauper was likely to

become chargeable; otherwise the order will be bad. MSS. Reports, Sup. Court. Overseers of *Dromore v. Overseers of West Hanover*, April, 1794.

A pauper gains a settlement by contracting for a town lot, under a yearly rent charge, building thereon, and residence, though he obtains no deed for it. MSS. Reports, Sup. Court. *Republica v. The Overseers of Caernarvon township*, March, 1796.

No appeal lies to the Sessions on an order of maintenance of a pauper. MSS. Rep. Sup. Court, *Overseers of Lampeter v. Overseers of Lancaster Borough*, December, 1796.

CHAPTER DCXXXVI.

An ACT for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned.

WHEREAS the well ordering and regulating the watch, and enlightening the streets, lanes and alleys in the night time, within the city of Philadelphia, have been found, on experience, very necessary to prevent fires, murders, burglaries, robberies, breaches of the peace, and other outrages and disorders: *Therefore be it enacted,* That it shall and may be lawful for Samuel Morton, Thomas Mifflin, Edward Duffield, Jacob Winey, Moore Furman, and Joshua Humphreys, gentlemen, who are hereby styled Wardens, or the greater number of them, as soon as conveniently they can, after the publication of this act, and having qualified themselves as is herein after directed, to meet together at the court-house of the said city, and for those who, in pursuance of this act, shall succeed them in the said trust, in like manner to meet together annually, on the sixth day of October, unless it shall be on a Sunday, and in such case on the day following, and then and there, or at such other times and places as they, the said Wardens shall appoint, to maintain, preserve and take care of the lamps already erected, put up and fixed, and to erect, put up and fix, any additional number of lamps, in such parts and places of the said city as to them shall seem meet and expedient; and to contract with any person or persons for the lighting, trimming, snuffing, supplying, maintaining and repairing them; and shall likewise order, appoint, hire and employ what number of watchmen they shall judge necessary and proper, from the time of their first meeting together as aforesaid, after the publication of this act, until the tenth day of October next, and from and after that day annually for one whole year; and shall then and there direct and order what wages shall be given them: And if any of the said watchmen, so by them hired and appointed, shall happen to die within the time for which they were appointed, or shall be negligent in his or their duty, or be guilty of any misbehaviour, it shall and may be lawful for the Wardens aforesaid, or a majority of them, at any intermediate time of the year, to remove any of the said watchmen so appointed, and to employ, hire and appoint, one or more person

Wardens appointed.

Who are to be qualified, and meet, &c.

And to put up a sufficient number of lamps, &c.

And to hire watchmen, &c.

And remove them for misbehaviour, &c.