

1795. *met, and it is hereby enacted by the authority of the same, That the Mayor, Recorder, Aldermen, and Common Councilmen of the city of Philadelphia, in Common Council assembled, shall have full power and authority to make and establish any law, ordinance or regulation, to oblige the owners and occupiers of houses in the said city to provide, and keep in repair, any number of leathern buckets, not exceeding six, to be used only in extinguishing fires.*

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 33.

CHAPTER MDCCCLXIX.

(See vol. 2, page 462.) *An ACT to authorize the corporation of the city of Philadelphia to prevent the erecting of wooden buildings, in certain parts of the city of Philadelphia.*

WHEREAS it has been represented to the Legislature, that the danger from fire in the city of Philadelphia is considerably increased by the number of wooden buildings erected in the populous parts of the said city, and that the expense is greater of erecting wooden than brick or stone buildings: And whereas it is the duty of the Legislature to strengthen the security of property, whenever the same can be done without violating the rights of private persons:

SECT. 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 the Mayor, Aldermen, and Common Councilmen of the city of Philadelphia, in Common Council assembled, be, and they are hereby authorized and empowered to pass ordinances, to prevent any person or persons from erecting, or causing to be erected, any wooden mansion-house, shop, ware-house, store, carriage-house, or stable, within such part of the city which lies to the eastward of Tenth-street from the river Delaware, as they may judge proper. (x)*

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 33.

(x) This act declared to be constitutional, and a city ordinance founded thereon, prescribing a penalty on conviction of the offence, on indictment in the Mayor's Court, is good. Ruled in the Supreme Court, December, 1799, *Respublica v. Duquet*, (*MISS. Reports*) And there have been several late convictions for the offence pointed at by this act.

CHAPTER MDCCCL.

An ACT to continue in force the act, entitled "An act to reform the penal laws of this state, and for other purposes therein mentioned."

WHEREAS an act, entitled "An Act to reform the penal laws of this state," passed the fifth day of April, in the year of our Lord one thousand seven hundred and ninety, will shortly expire by its own limitation: And whereas certain parts of the said act

The corporation may oblige every house-keeper to keep fire-buckets, not exceeding six.

The corporation empowered to prevent the erection of wooden buildings to the eastward of Tenth-street.

(See vol. 1, page 131, (chap. 255,) and the notes thereto; and vol. 2, page 531, (chap. 1505,) and the notes thereto.)

have, in their operation, evidently diminished the number of crimes, and been highly beneficial in reforming offenders: Therefore, 1795.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspectors of the gaol of the city and county of Philadelphia shall have full power and authority to provide necessaries for every description of persons, who may be confined in the said gaol, and to separate and class the different prisoners in such manner, as they shall judge will best promote the object of their confinement.

The inspectors of the gaol empowered to provide necessaries for all prisoners; and to class them.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said inspectors shall have power to direct the cloathing for convicts, and to employ each in such kind of labour as their various circumstances may require: and that so much of the thirteenth section of the act, as directs the description of cloathing for the convicts, that their heads should be shaved, and that they should be kept at labour of the hardest and most servile kind, be, and the same is hereby repealed.

The Inspectors empowered to clothe and employ the convicts.

SECT. III. *And be it further enacted by the authority aforesaid,* That the part of the twenty-first section of the said act, which authorizes the Mayor of the said city, on the certificate of two of the said inspectors, to order persons for offences committed in the said gaol to be punished by whipping, or repeated whippings, not exceeding thirteen lashes each, or by close confinement, be, and the same is hereby repealed; and from henceforth the said inspectors may order and direct any convict, who shall commit either of the offences mentioned in the said twenty-first section, to be confined in the cells or dungeon, with bread and water, only, for sustenance, for any period not exceeding ten days for the first offence, nor fifteen days for any subsequent offence.

The authority heretofore given to punish convicts by whipping, or close confinement, repealed.

Punishment substituted therefor.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the parts of the twenty-second section of the said act, which authorize the Mayor and Aldermen of the said city, and two Justices of the county aforesaid, to appoint and to remove the Keeper of the said gaol, to fix the salary of the Keeper, to approve of the appointment of deputies and assistants, and to ascertain their compensation, and so much thereof as empowers the Mayor to draw for the salary and compensation aforesaid, and to approve of the sureties offered by the Gaoler, be, and the same are hereby repealed; and from henceforth all the power and authority vested by the said twenty-second section in the said Mayor, Aldermen and Justices, or in the said Mayor, shall be exercised exclusively by the said Inspectors.

The power to appoint and remove the Keeper of the gaol to fix his salary, and approve the appointment of his deputies, vested in the inspectors.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of the twenty-second section of the said act, as allows to the Keeper of the said gaol five per centum on the sales of all articles manufactured by the said criminals, be, and the same is hereby repealed.

The allowance of five per cent. on the manufactures of convicts to the Keeper, repealed.

SECT. VI. *And be it further enacted by the authority aforesaid,* That this act, and those parts of the act, entitled "An Act to reform the penal laws of this state," not altered, supplied or repealed by this or any other act, shall be and continue in force for the

Limitation of the continuance of the penal laws.

1795. term of three years, and from thence to the end of the next session of the General Assembly.

(Since made perp. tual, by chap. 2040, post.)

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 22.

CHAPTER MDCCCLI.

A SUPPLEMENT to the laws for preventing the exportation of flour not merchantable.

SECT. 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* all flour or middlings which shall be brought to any port or place within this state for sale, as and for the flour of wheat, which shall be found, upon examination made by the Inspector of flour, or his deputy, to be or contain a mixture of the flour of Indian corn with flour of wheat, shall be condemned, and the person or persons offering the same for sale shall be adjudged to pay three dollars for each and every cask so condemned, one fourth to the use of the Inspector, and the other three fourths to the use of the poor of the city, township or place, where the owner or owners shall reside, if in the state of Pennsylvania; but if they do not reside in the state, it shall be paid to the Managers of the Pennsylvania Hospital, for the use of that institution: and the flour so condemned shall not be exported, under all and every the penalties and forfeitures provided by law against the exportation of flour condemned as not merchantable: *Provided always, That* if the owner, possessor or consignee of any flour or middlings, which shall be adjudged to be condemned by the Inspector of flour, agreeably to the terms of this act, shall believe himself aggrieved thereby, it shall and may be lawful for the said owner, possessor or consignee, to make an appeal from the decision of the said Inspector to any Magistrate of the city, county or place, where such forfeiture has been made, who shall thereupon issue his warrant to three judicious disinterested persons, one thereof to be named by himself, one other by the Inspector, and the other by the owner or consignee of the flour, directing them carefully to examine such flour or middlings, and forthwith make report to him touching the mixture of the same; and if they, or any two of them, shall report that the same is or doth contain a mixture of flour of Indian corn with the flour of wheat, the said Magistrate shall confirm the judgment of the Inspector, and the party appealing shall pay all costs and charges accruing from such appeal; and if the three triers appointed as aforesaid shall find and report that the same is unmixed flour of wheat, the said magistrate shall adjudge the same to be restored to its original situation, and all costs and charges accruing shall be paid by the Inspector, who condemned the same; but no appeal from the judgment of the Inspector shall be made, unless the same is prosecuted within twenty days after condemnation of any parcel or parcels of flour or middlings by virtue of this act.

(See vol. 1, page 425, 523, vol. 2, page 11, 12, 270-1, and the notes here respectively.)

Flour brought for sale, as flour of wheat, shall be condemned, if there is any flour of Indian corn mixed with it; and penalty thereon.

Appeal to be allowed from the decision of the Inspector.

Proceedings thereon.

Costs to be paid by the owner, if the decision is confirmed.

Otherwise by the Inspector.

The appeal to be prosecuted within twenty days.