

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1734, and continued by adjournments until the twentieth day of September, 1735, the following acts were passed:

CHAPTER CCCXXXVI.

A SUPPLEMENT TO THE SEVERAL ACTS OF ASSEMBLY OF THIS PROVINCE FOR THE RELIEF OF THE POOR.

Whereas it is found by experience that the laws of this province made for the relief of the poor and for removing and punishing rogues, vagrants and other idle and disorderly persons wandering about the country have not proved effectual for the good purposes for which they were intended, and for securing the inhabitants of this province from being oppressed with great charges arising by such idle and disorderly persons coming from the neighboring colonies into and concealing themselves in the city of Philadelphia and the respective townships of this province until they have either gained a settlement or become so sick and infirm that they cannot be removed:

For remedying which inconveniencies:

[Section I.] Be it enacted by Patrick Gordon, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, [and of the counties of Newcastle, Kent and Sussex on Delaware,] by and with the advice and consent of the representatives of the freemen of the said province in General Assembly met, and by the authority of the same, That no person or persons whatsoever coming into the city of Philadelphia or into any township or county within this province, mariners and other healthy persons coming directly from Europe only excepted, although such person be an hired servant and shall abide in such service for the space of one whole year, and although any person being an indented servant or be bound ap-

prentice by indenture in the said city or in any township within this province and shall continue in such apprenticeship or servitude for the space of one year (which is hereby declared sufficient to gain such apprentice and indented servant a settlement upon notice given as is hereafter directed in this act and not otherwise), or although any person or persons shall on his own account execute any public annual office or charge in the said city or any township within this province during one whole year, or be charged and pay his share towards the county taxes or levies for the poor of the said city or township, or shall have *bona fide* taken a lease of a tenement or plantation of the yearly value of five pounds or upwards within the city of Philadelphia or any township of this province, shall be deemed to have gained a legal settlement in the said city or in any such township unless such person or persons shall within five days next after his or her coming into the city of Philadelphia or into any township within this province give notice in writing, which they are hereby required to do, of the house of his or her abode and the number of his or her family, if any he or she have, to the respective overseers of the poor for the time being of the said city or township into which he or she shall come; nor shall any hired or indented servant or apprentice, by virtue of his or her being hired, bound or assigned over unto any person inhabiting the said city, townships or counties as aforesaid, gain a settlement within the same unless notice be given in writing within ten days after such hiring or binding as aforesaid to the overseers of the poor of the city or township where such person shall come to reside by the person who shall take such apprentice, hire a servant or purchase an indented servant (or by the person or persons so hired themselves within ten days next after such hiring), any law, custom or usage of this province to the contrary in anywise notwithstanding.

Provided always, That if upon complaint made by the overseers of the poor of the city of Philadelphia or of any township within this province to such magistrates as have a right to hear the same it shall be adjudged, within the space of twelve months next after such notice, that any person or persons is or are likely to become chargeable to the city or township

where he or she is come to reside, and shall upon his or her being required neglect or refuse to give security that he or she shall not become chargeable to the inhabitants of the said city or township into which he or she is come, that then such person or persons shall be liable to be removed to the last place of his or her legal settlement, the giving of notice as aforesaid or any other thing in this or any other act of assembly of this province to the contrary in anywise notwithstanding.

And for the more effectual preventing rogues, vagabonds and other idle and disorderly persons concealing themselves within the said city of Philadelphia or in any township or county within this province:

[Section II.] Be it further enacted by the authority aforesaid, That if any housekeeper 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 (healthy mariners and other persons coming immediately from Europe into the said province only excepted), not being persons who have gained a legal settlement in some city or township 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 the space of ten days next after his or her taking into or entertaining any person or persons in his or her house in any township within this province to the overseers of the poor of the township where such person dwells, such inhabitant or housekeeper, being thereof legally convict by the testimony of one credible witness on oath or affirmation before any two magistrates of the said city of Philadelphia, whereof the mayor or recorder to be one, or before any two magistrates of the county where such person dwells, shall forfeit and pay the sum of twenty shillings for every offense, the one moiety to the use of the poor of the said city or township respectively, and the other moiety to the informer, to be levied on the goods and chattels of the delinquents in the manner hereinafter directed, and for want of sufficient distress the offender to be committed

to the workhouse of the said city or county, there to remain without bail or mainprise 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, or shall happen to die and not have wherewithal to defray the charge of his or her funeral, then in such case the housekeeper 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 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 or township respectively and they are hereby required to assess a sum of money on the person or persons so convict from time to time by a weekly assessment for maintaining such poor and indigent person or persons or assess a sum for defraying the charges of such poor person's funeral, as the case may be; and in case the party convict 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 of the goods and chattels of the offender in the manner hereinafter directed; but if such person so convicted have no goods or chattels to satisfy the money so assessed for him or her to pay, that then it shall and may be lawful for the said justices to commit the offender to prison, there to remain without bail or mainprise until he or she have paid the same or until he or she shall be discharged by due order of law.

And whereas it is found by experience that many poor persons within this province cannot find employment in the city or township where they are legally settled, yet might find work for themselves and families in other places within the province, but not being able to give security, if required, upon their coming to settle in any other place that they and their families shall not become chargeable or burdensome to any city or township where they come to dwell, and by that means are confined to their own city or township, though their labor may be wanted elsewhere:

[Section III.] Be it therefore enacted by the authority aforesaid, That if any person or persons whatsoever from and after the first day of May, which will be in the year of our Lord one thousand seven hundred and thirty-five, shall come out of the city of Philadelphia or any township into another township within this province, or shall come out of any township 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 or township where he or she [or they] shall come to inhabit a certificate under the hands and seals of the overseers of the poor of the city or township 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 certificate to be an inhabitant or inhabitants legally settled in that city or township, every such certificate, having been allowed of and subscribed by two or more justices of the peace of the city or county where such township doth lie, shall oblige the said city or township to receive and provide for the person 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 forced to ask relief of the city or township to which such certificate was given or 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 or township, and his or her servants and apprentices, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled in the city or township from whence such certificate was brought.

And whereas it oftentimes happens that poor persons 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, and oftentimes die before they can be removed, by reason whereof the inhabitants of the city or township 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 moneys expended upon the maintenance or burying such poor person or persons:

[Section IV.] Be it therefore further enacted by the authority aforesaid, That if any poor person or persons shall come out of the city of Philadelphia into any township within this province, or shall come out of any township or place within this province into the city of Philadelphia or any other township within this province, and shall happen to fall sick or die before he or she have gained a legal settlement in the city or township to which he or she shall come, so that such person or persons cannot be removed, and if upon notice given by the overseers of the poor of the place unto which such poor person is come, or by one of them, to the overseers of the poor of the city, township or place where such poor person or persons had last gained a legal settlement or to one of them, of the name, circumstances and condition of such poor person or persons, with request that they or one of them may take order for the relief and maintenance of such sick or lame person during his or her sickness, and for his or [her] being buried in case he or she should die, and if such overseer or overseers shall neglect or refuse so to do, that then and in such case it shall be lawful for any two justices of the peace of the city or county where such poor person had last gained a legal settlement, and they are hereby authorized and required, upon complaint made to them to cause all such sum and sums of money as shall be necessarily expended on the maintenance of such poor person in his or her sickness or on his or her burial, by warrant under their hands and seals to be directed to some constable of their county, 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 take care and provide for any such poor person as aforesaid after such notice given to them or to one of them as aforesaid, and to be paid to the overseer or overseers of the city or township where such poor person happened to be sick or die as aforesaid, and the overplus of the moneys 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, &c., are satisfied shall be restored to the owner or owners of the said goods.

And whereas by an act of assembly of this province, entitled "An act for the relief of the poor,"¹ it is provided that it shall and may be lawful to and for the overseer or overseers of the poor to make and lay a rate of one penny per pound clear value of the real and personal estates of all and every the freeholders and inhabitants within their respective townships, to be employed for the relief of the poor, &c., and four shillings per head on all freemen not otherwise rated; but it being found upon experience that the number of the poor within this province are very much increased, and the overseers of the poor of the city of Philadelphia and the respective townships within this province have been obliged to lay several rates of one penny per pound in one year for maintenance of the poor within the city of Philadelphia and the respective townships within this province, which has proved very troublesome as well to the persons on whom the said moneys are raised as to the persons who are obliged to collect the same:

For the remedying of which inconveniency for the future:

[Section V.] Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the overseers of the poor of the city of Philadelphia for the said city, having first obtained the approbation of the mayor or recorder with any two of the aldermen of the said city, and for the overseers of the poor of the several townships within this province, having first obtained the approbation of any two magistrates living next to the township where any poor tax shall be raised, to make or lay any rate not exceeding three pence in the pound at one time upon all the estates liable to be rated and in the manner directed to be raised and levied by the aforesaid act of assembly for the relief of the poor and not exceeding nine shillings per head on all freemen not otherwise rated, anything in the aforesaid act of assembly or any other law, custom or usage of this province to the contrary in anywise notwithstanding.

And for the more easy discovery, certain knowledge and well management of the affairs of the poor within this province and

¹ Passed January 12, 1705-6, Chapter 154.

of what moneys are raised for the use of the poor and to what uses applied:

[Section VI.] Be it further enacted by the authority aforesaid, That all and every overseer and overseers of the poor of any city or township within this province shall at their laying any rate for the relief of the poor of their respective cities or townships and they are hereby obliged to deliver to one of of the justices of the peace who allows such rate a fair duplicate of the same signed by such overseer or overseers, and shall likewise deliver to the respective overseer or overseers who shall succeed them fair and true lists of the poor of their respective city or townships, with such certificates and notices as shall be delivered or given to them upon the coming of any person from the city of Philadelphia into any township of this province or of the coming of any person from any such township into the city of Philadelphia or into any other township within this province, as by this act is provided and directed; for which trouble the justices are hereby required to make such allowance to the respective overseer or overseers of the poor within this province at their going out of their office as to them shall seem reasonable for their making such duplicates of the rates by them laid and for the charge and trouble they may be at in making fair lists of their poor and of the notices and certificates herein directed to be delivered to their successors, of which said notices and certificates a register or entry shall be made by the respective overseers of the poor to whose hands the same shall come in a book for that purpose to be by them provided and kept, which book shall likewise be delivered by the overseers aforesaid to their respective successors in the said office.

And whereas complaints have been made against overseers of the poor who have supplied the poor with necessaries out of their own stores and shops at exorbitant prices, and also against overseers who have paid unreasonable accounts to their friends or dependants for services done the poor.

And whereas the twenty-fifth day of March, appointed by the aforesaid act for the relief of the poor, is found by experience not to be a sufficient time for examining and settling the ac-

counts of the several overseers and for regulating and redressing the abuses that may be complained of:

[Section VII.] Be it therefore enacted by the authority aforesaid, That the magistrates of the respective counties or any three of them within this province for the said counties shall and may on the twenty-fifth day of March, and within three days next after the said day, and the mayor or recorder with any two aldermen of the city of Philadelphia for the said city, shall and may on the said twenty-fifth day of March, and at any time within one month after the said day annually, examine and settle the said overseers' accounts, and shall have full power to allow such accounts and sums only as to them shall seem just and reasonable.

And whereas the almshouse built for the city of Philadelphia may if well regulated be of service and help to ease the inhabitants of the taxes yearly assessed on them for the maintenance of the poor:

[Section VIII.] Be it enacted by the authority aforesaid, That the mayor and recorder with any two or more aldermen of the said city of Philadelphia shall from time to time have power and authority to choose and appoint a sober and discreet person to reside in the said almshouse for taking care of the poor therein, and where it may be needful to direct the receiving into the said almshouse such poor, and to employ such persons in the service of the said house and care of the poor, and generally to give such orders and instructions for the well-ordering of the said house and the poor of the said city as to the said mayor and recorder with any two or more aldermen of the said city shall seem just and reasonable, and to enjoin obedience to the same.

And whereas the overseers of the poor of the city of Philadelphia and the respective townships within this province at going out of their office not only frequently neglect or refuse to deliver to the justices a fair and true account of the moneys by them received for the use of the poor, but likewise leave considerable sums of money by them assessed for the maintenance of the poor uncollected, by which means it comes to pass that the moneys remaining uncollected are lost and the burden of

maintaining the poor falls heavy on such as have paid their money:

For remedying of which inconveniency for the future:

[Section IX.] Be it enacted by the authority aforesaid, That all and every the overseer and overseers of the poor of the city of Philadelphia and the respective townships within this province shall at their going out of their office render a fair and true account to the magistrates of the city of Philadelphia for the said city and to the justices of the respective counties in which they live of all the moneys assessed by them or that hath otherwise come to their hands and how the same hath been disposed of and also what part shall be remaining in their hands, and to pay the same to the succeeding overseer or overseers. And if any overseer or overseers of any poor within this province shall refuse or neglect to render such account to the justices as aforesaid and to pay what shall be remaining in their hands according to the direction of the respective magistrates, who shall have the right of examining their accounts, it shall and may be lawful to and for the said justices or any three of them to commit such overseer or overseers to the county gaol without bail or mainprise until such overseer or overseers shall render a true and fair account and pay such moneys as shall appear to be remaining in his or their hands to the succeeding overseer or overseers of the poor of the said city or township to which they respectively belong.

And if any overseer or overseers of the poor of the city of Philadelphia or of any township within this province hath or have neglected or refused or shall neglect or refuse to collect and pay to the succeeding overseers all such sums of money as is [sic] or shall be remaining in their hands or uncollected at their going out of his or their office, which they are hereby enabled to collect by warrant under the hands and seals of any two magistrates within the said city or counties within the space of thirty days after notice and request made to them so to do by any justice of the peace, and being duly convicted thereof before any three justices of the city or county to which they belong, it shall and may be lawful to and for the mayor or recorder and any two of the aldermen of the said city and for

any three justices of the peace of the county in which such delinquent overseer or overseers dwell, by warrant under their hands and seals to commit such delinquent overseer or overseers to the gaol of the county to which they belong, there to remain without bail or mainprise until the same shall be paid.

And to the end that the poor may not suffer for want of proper persons to take due care of them in their sickness or necessities:

[Section X.] Be it enacted by the authority aforesaid, That in case of the death or want of any overseer of the poor of the city of Philadelphia or of any township within this province it shall and may be lawful to and for the mayor, recorder and any two aldermen or the mayor or recorder with any two aldermen of the city of Philadelphia for the city of Philadelphia, and any two justices of the peace of the county in which such township lies, to appoint one or more overseers of the poor for the said city or township, as the case may require, at any time when there shall be occasion; which overseer or overseers when so appointed shall be subject to the same rules and penalties and obliged to the performance of the same duties and services as if he or they had been appointed at the time in the first-recited act of assembly mentioned, anything in the aforesaid act or any other law of this province to the contrary in anywise notwithstanding.

[Section XI.] And be it further enacted by the authority aforesaid, That the several fines, forfeitures and penalties, sum and sums of money, imposed or directed to be paid by this act and not herein otherwise directed to be recovered, the same and every of them shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender by warrant under the hands and seals of the mayor and recorder or of the mayor or recorder and one or more aldermen of the city of Philadelphia for the said city, and under the hands and seals of any two or more justices of the peace of the county where the delinquent or offender dwells or is to be found; and after payment or 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 in the recovery thereof, the overplus if any to be returned to the owner or owners of such goods or chattels, his or her executors or administrators.

Provided always, That if any person or persons shall find him or themselves aggrieved with any judgment of the 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 such judgment or sentence was given, whose decision in all such cases shall be conclusive.

Passed March 29, 1735. See Appendix XII, Section I, and the Acts of Assembly passed August 19, 1749, Chapter 379; March 5, 1756, Chapter 408; January 18, 1757, Chapter 416; September 27, 1757, Chapter 426; February 8, 1766, Chapter 534; February 21, 1767, Chapter 552; February 20, 1768, Chapter 573; May 27, 1769, Chapter 596; November 27, 1779, Chapter 873; March 18, 1780, Chapter 900. The act in the text was repealed temporarily by the Act of Assembly passed March 9, 1771, Chapter 635, which latter act was made perpetual by the Act of Assembly passed April 6, 1776, Chapter 723, was declared to be in force by the Act of Assembly passed March 24, 1778, Chapter 792, was continued by the Act of Assembly passed April 2, 1779, Chapter 839, and was finally made perpetual by the Act of Assembly passed March 25, 1782, Chapter 962.

CHAPTER CCCXXXVII.

AN ACT FOR CONFIRMING THE ELECTION OF THE COMMISSIONERS AND ASSESSORS FOR THE COUNTY OF BUCKS, &c.

Whereas by an act of general assembly of this province passed in the eleventh year of the reign of King George the First, entitled "An act for raising of county rates and levies,"¹ it is directed and provided that when the commissioners and assessors are chosen in the manner directed by the said act the sheriff [sic] of the respective counties shall take their names in writing under the hands and seals of at least six or more of the freeholders and certify the same to the justices at their

¹ Passed March 20, 1724-5, Chapter 234.