

county of Philadelphia, in all such cases the persons so offending shall be fined treble the value of all the damages, to be assessed by two or more indifferent persons to be appointed by the said court to value the same, which fine shall be added to the common stock for the general use and benefit of the said district.

Passed March 14, 1761. Referred for consideration by the King in Council, February 15, 1762, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Act of Assembly passed February 15, 1765, Chapter 523. Repealed by the Act of Assembly passed February 18, 1769, Chapter 585.

CHAPTER CCCOLIX.

AN ACT FOR REGULATING WAGONERS, CARTERS, DRAYMEN AND PORTERS WITHIN THE CITY OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas many inconveniences and obstructions have arisen to the trade and commerce of the city of Philadelphia and great extortion and injustice been done the merchants and traders thereof and other persons within the same for want of a due and proper regulation of the wagoners, carters, draymen and porters within the said city and for want of a just limitation of the price and value of the portage, carriage and other labor and service of the said wagoners, carters, draymen and porters in their respective occupations within the said city:

[Section I.] Be it therefore enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute proprietaries of the province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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 from and after the sixth day of April next ensuing the publication of this act shall follow the employ, business or occupation of a wagoner, carter, drayman or porter within the city of Philadelphia with-

out having first made application to the clerk of the court of quarter sessions of the peace for the said city of Philadelphia, and registered, or caused to be registered, his or their name and names, and caused or procured his or their carriage or carriages intended by him or them to be used in the said business to be numbered in a book by him, the said clerk, to be kept for that purpose, and without procuring and receiving from the said clerk a certificate of such registry, containing the number of his or their respective carriage or carriages, under the penalty of five shillings for every day he shall so follow the said business, which said certificate the said clerk is hereby enjoined and required to make out in writing under his hand and to deliver to the person who shall apply for the same, for which registry and certificate he shall receive the sum of two shillings and no more.

Provided always, That nothing hereinbefore contained shall extend to carriers and others residing in the country and bringing or carrying their effects to or from the city, or to any person or persons keeping or employing any such carriages for their own use only.

[Section II.] And be it further enacted by the authority aforesaid, That all and every wagoner, carter, drayman and porter following the business aforesaid within the said city shall number, or cause to be numbered, their several and respective carriages on the outside of each shaft with the same figures and numbers as shall be so as aforesaid entered in the said book and contained in his or their respective certificates and none other, in large figures, not less than two inches in length, to be made of good, strong, durable tin or copper, and that all and every such wagoner, carter, drayman or porter who shall follow the said business or employment with any carriage not numbered according to the directions aforesaid or when numbered shall wilfully deface the same or shall neglect to keep them plain and visible, shall, for each and every such offense, forfeit and pay the sum of five shillings for every day he shall use or employ such carriage not marked and registered as aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That if any wagoner, carter, drayman or porter found in the streets or on the wharves with his horse or horses and

carriages and not in actual service, shall refuse or neglect to work when called on at seasonable hours by any merchant or other person whatsoever he shall forfeit and pay the sum of five shillings for every such offense.

[Section IV.] And be it further enacted by the authority aforesaid, That the mayor and recorder, or either of them, and the aldermen of the city of Philadelphia, with the wardens of the said city, shall meet on the first Monday in March and November in every year or oftener, as occasion may require, at the court-house in the said city, when and where the said mayor and recorder, or either of them, and the major part of the said aldermen met, with the assistance and consent of the said wardens, or any four of them, shall and may fix, regulate and ascertain the rates and prices which the said wagoners, carters, draymen and porters shall from time to time demand and receive for carrying and transporting commodities from one place to another within the said city, and shall also fix and appoint certain places in the city where it may be most convenient for the said wagoners, carters, draymen and porters to repair with their carriages when unemployed, an advertisement whereof shall be published in the public Gazette and in such other manner as they, the said mayor, recorder and aldermen, together with the wardens aforesaid shall think proper.

And that if any wagoner, carter, drayman or porter shall demand more for his service and labor than is fixed and ascertained in the rates settled as aforesaid, he shall forfeit and pay the sum of five shillings for every such offense.

[Section V.] And be it further enacted by the authority aforesaid, That if any wagoner, carter, drayman or porter shall bring his wagon, cart or dray on the brick pavement before the door of any inhabitant without having obtained leave from the possessor of such house, he shall forfeit and pay for every such offense the sum of two shillings; and that no wagoner, carter, drayman or porter shall suffer his horse or horses to go faster than a slow pace or trot within the built parts of the city under the penalty of ten shillings for every such offense.

[Section VI.] And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall permit

or suffer his or their horse or horses to go at large within the built parts of the said city under the penalty of one shilling for every horse so going at large, and that all and every tavern and innkeeper and others who shall have occasion to take horses not in any carriage through the city of Philadelphia, Germantown, Darby or any county town or borough within this province shall take them bridled or haltered and led through the same not faster than a slow pace or trot and in no other manner whatsoever under the penalty of one shilling for every horse taken or driven through the said city, towns or boroughs contrary to the directions of this act.

[Section VII.] And be it enacted by the authority aforesaid, That all and every the penalties and forfeitures incurred in and by virtue of this act shall be sued for and recovered before any justice of the peace of the city or county where the offense is committed, and shall be paid, one moiety thereof to the informer and the other moiety to the overseers of the poor of the city or township where the said offense shall be committed, to the use of the poor of the said city or township respectively, but if convicted upon view of a justice of the peace, the whole forfeiture shall be paid to the overseers of the poor of the city or township respectively for the use of the poor thereof; and if the offender shall neglect or refuse to pay the same upon conviction, every such forfeiture shall be levied by distress and sale of the offender's goods by warrant from under the hand and seal of the justice of the peace before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of the distress being first deducted; and for want of such distress he shall be committed to the common gaol until the same, with costs of suit, shall be paid and satisfied; and in case any offender against this act shall be a negro or mulatto slave, he shall, instead of such imprisonment, be publicly whipped, at the discretion of the justice, not exceeding twenty-one lashes, unless the master or mistress of such slave shall pay the fine or forfeiture hereby inflicted.

[Section VIII.] And be it enacted by the authority aforesaid, That this act shall continue and be in force for and during the

space of two years from and after the sixth day of April next ensuing and no longer.

Passed March 14, 1761. Referred for consideration by the King in Council, February 15, 1762, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Acts of Assembly passed March 4, 1763, Chapter 487; September 29, 1770, Chapter 615.

CHAPTER CCCCLX.

AN ACT TO REGULATE THE ASSIZE OF BREAD.

Whereas by an act of the general assembly of this province passed in the twelfth year of the reign of King William the Third, entitled "An act for the assize of bread,"¹ it is provided that the several sorts of bread therein mentioned shall be made according to a table calculated by troy weight, which, being found inconvenient and it being necessary to make some alterations in the weight of the several sorts of bread and some further provisions for the better regulation of bakers:

[Section I.] Therefore be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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 from and after the publication of this act every baker who makes any loaf bread for sale shall mark all the bread he shall bake with his name and with the following letters to distinguish the several sorts: That is to say, with W. for white, M. for middling, and B. for brown, all which said several sorts of bread shall be made in the manner following: That is to say the white bread shall be made of good, fine flour, the middling bread shall be made of good middlings and the brown bread shall be made of good ship-stuff, so called, all

¹ *Infra.*