

shall suffer all the pains, penalties and disabilities which by law may be inflicted on any person convicted of willful and corrupt perjury, and shall likewise be liable to be arrested, taken and imprisoned upon any process de novo and charged in execution for the same debt in the same manner as if they had never been in execution or discharged before, and shall forever after be barred of any benefit of this act.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX.

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## CHAPTER DCXLVII.

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### AN ACT FOR RAISING A FUND TO PAY THE DAMAGES DONE BY DOGS WITHIN THE CITY AND COUNTY OF PHILADELPHIA AND THE COUNTY OF BUCKS.

Whereas many of the inhabitants of the city and county of Philadelphia and county of Bucks have sustained great damages by dogs killing and wounding their sheep without any redress or legal remedy against the owner or owners of such dogs:

And whereas the said mischiefs have in a great measure arisen from the number of useless and unnecessary dogs kept by the inhabitants of the said city and counties:

For remedy whereof:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 there shall after the publication of this act throughout the said city and counties be raised, levied, collected and paid yearly and every year for every dog above the age of three months of what size or kind soever which any person or persons shall own, keep or be possessed of within the same, the rates and sums of money

following, That is to say, for one dog owned, kept or possessed by any master, mistress or head of any family the sum of one shilling and for each and every other dog so owned, kept or possessed by such master, mistress or head of any family, two shillings, and for every dog owned, kept or possessed by any single person not being a master, mistress nor head of a family, the sum of five shillings.

[Section II.] And be it further enacted by the authority aforesaid, That the said rates and sums of money shall be assessed, raised, levied and recovered within the city of Philadelphia, the district of Southwark and the adjoining townships of Moyamensing, Passyunk and the Northern Liberties by the overseers of the poor in the same manner and under the same pains and penalties as the sums of money raised for the relief of the poor in the said city are by law directed to be assessed, raised, levied and recovered, and that the said rates and sums of money shall be assessed, raised, levied and recovered within every township in the said counties of Philadelphia and Bucks by the supervisors of the highways for the same rewards, in the same manner and under the same penalties as the sums of money to be raised for opening, clearing, amending and repairing the public roads and highways within the same are by law directed to be assessed, raised and levied.

Provided always nevertheless, That the being charged with and paying any of the rates imposed by this act shall not be held or construed to extend to give any person or persons a settlement as a poor person in the said city, district or adjoining townships.

[Section III.] And be it further enacted by the authority aforesaid, That the several overseers of the poor of the said city, district and township of Moyamensing, Passyunk and the Northern Liberties, and the supervisors of the highways of each and every other township within the said counties, shall keep a book and once in every year take or cause to be taken an account from any person within their respective districts owning or keeping dogs, and shall therein enter the names of every such person with the number of dogs by them severally owned or kept, and the rates and sums by them assessed and levied by virtue of

this act, and that the moneys so received by the said overseers of the poor, after deducting the charges and expenses of assessing, raising and levying the same, shall be paid to the treasurer of the corporation for the relief and support of the poor in the city of Philadelphia, of which moneys the said treasurer shall keep accounts separate and distinct from his accounts of other moneys which shall come to his hands, and that the moneys so levied and received by the said treasurer and supervisors, respectively, shall be retained in their hands undisposed of until the second Saturday of March in every year during the continuance of this act, in order that the same may be applied in the manner hereinafter directed.

[Section IV.] And be it further enacted by the authority aforesaid, That if any person or persons within the said counties shall suffer or sustain any damages by any dog or dogs killing his, her or their sheep, it shall and may be lawful to and for such person and persons to apply to any justice of the peace, who shall forthwith issue his warrant or order directed to two reputable freeholders or inhabitants of the neighborhood, requiring them to view the sheep killed and wounded and to inquire whether the same were killed or wounded by any dog or dogs and ascertain the value of the damages done, and thereupon to appear before the said justice, who shall examine the said freeholders or inhabitants on oath or affirmation touching the premises and if [it] shall appear upon such examination or by other positive or circumstantial proof that the said sheep were killed or wounded by any dog or dogs, the said justice shall give to the said owner or owners of the sheep so killed or wounded (if killed or wounded within the said city, district or adjoining townships) an order on the treasurer of the corporation aforesaid for the amount of such valuation, which the said treasurer is hereby enjoined and required to pay off and discharge out of the moneys arising by this act, and if killed or wounded within any of the said other townships in the said counties, on the supervisors of the townships within which the said sheep shall be so killed or wounded, which order the said supervisors shall discharge out of the moneys arising by virtue of this act.

[Section V.] And be it further enacted by the authority

aforesaid, That the said certificate shall be paid off by the said treasurer and supervisors respectively on the said third Saturday of March in every year during the continuance of this act, and if any surplus shall remain in the hands of the said treasurer after the said third Saturday of March in any of the years aforesaid after discharging the said orders, such surplus shall be appropriated and applied for and towards the relief and support of the poor in the said city; and if any of the moneys aforesaid shall remain in the hands of the respective supervisors after discharging the orders aforesaid, it shall be paid over to the succeeding supervisors and be applied by them towards opening, amending and repairing the highways within their respective townships. And if there shall not be money in the hands of the said treasurer and supervisors, respectively, sufficient to pay off the orders which shall be tendered to them for payment on or before the said day, the person or persons to whom the said orders are payable shall be paid the sums in their respective orders mentioned in a ratable proportion to the moneys in the hands of the said treasurer or supervisors, respectively, and the residue thereof shall be paid out of the next year's rates.

[Section VI.] And be it further enacted by the authority aforesaid, That the said justice of the peace shall have and receive of and from the owners of the sheep killed or wounded, for the said order for valuation, qualifying the viewers and other witnesses on the inquiry into the value and the order and certificate to the said treasurer or supervisors, two shillings and no more, which he shall indorse on the said certificate in order that the same may be paid to such owners by the said treasurer or supervisors, respectively, out of the moneys arising by this act.

[Section VII.] And be it further enacted by the authority aforesaid, That the said treasurer, overseers of the poor and supervisors shall settle their accounts of the moneys which shall come into their hands by virtue of this act with the same persons, at the same times, and under the same penalties, respectively, as they are enjoined and required by law to do in settling their accounts of the moneys which shall come to their respective

hands as treasurer aforesaid, overseers of the poor and supervisors of the public roads and highways.

[Section VIII.] Provided always, and be it further enacted by the authority aforesaid, That where any sheep shall be killed or hurt within the said counties by any dog or dogs, the owner or keeper whereof shall be known, if the owner or keeper of such dog or dogs after proof made thereof before any justice of the peace in manner aforesaid shall refuse or neglect to kill such dog or dogs within twenty-four hours after such proof made and notice thereof to him given, or to make satisfaction to the person or persons injured, it shall and may be lawful to and for the person or persons so injured to get the value of such sheep so as aforesaid returned by the said freeholders or inhabitants to the said justice duly certified by the said justice and to commence his, her or their action or actions against the owner or possessor of such dog or dogs before any justice of the peace if such valuation and damages shall not exceed five pounds, and if above that sum in any court of common pleas within this province, in which action such certificate shall be evidence of the damages sustained by the plaintiff or plaintiffs, who shall recover double the damages so certified before such justice or court, respectively, with full costs of suit, any law, usage or custom to the contrary notwithstanding; but if the said owner or possessor shall on notice as aforesaid kill such dog or dogs, the person or persons injured shall be paid the damages in manner aforesaid out of the moneys arising by this act.

[Section IX.] And be it further enacted by the authority aforesaid, That if any person or persons within the said counties shall refuse to give on demand to the said respective overseers and supervisors of the township, ward or district in which he or they shall reside a true account of the number of such dogs by him, her or them owned, kept or possessed, every such person so offending shall forfeit and pay fourfold of the rate of every such dog he, she or they shall refuse or neglect to give such account of, to be recovered in the same manner as the rates imposed by this act are directed to be recovered in the said township, ward or district, and applied to the same uses and purposes

as the rates or sums of money hereby enjoined to be levied are directed to be applied.

[Section X.] And be it further enacted by the authority aforesaid, That if any person or persons within the counties aforesaid shall find any dog killing or worrying any sheep, it shall and may be lawful for them or any of them to kill the said dog, and if it can be proved that such dog was ever before concerned in killing any sheep, and the same had come to the knowledge of the owner or possessor of such dog, it shall be lawful for the person or persons injured to procure in manner aforesaid a valuation and certificate of the damages sustained, and to sue for and recover double the value and amount of the same before any justice or in any such court, respectively, as is hereinbefore directed, with full costs of suit.

[Section XI.] And be it further enacted by the authority aforesaid, That if any master, mistress or head of any family within the said city, district or any township in the counties aforesaid shall permit or suffer any hired servant or slave to own, keep or be possessed of any dog, or shall harbor, keep or be possessed of [any] stray dog in his or her house or family, every such dog shall be deemed and taken to belong to such master, mistress, or head of such family, who shall be liable to pay the said rates and sums of money and be subject to the same penalties for not returning or for concealing such dog as if such dog did truly belong to him, her or them.

[Section XII.] And be it further enacted by the authority aforesaid, That this act shall continue for the space of three years and from thence to the [end of the] next sitting of assembly [and no longer.]

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the Acts of Assembly passed April 10, 1807, P. L. 243; March 23, 1809, P. L. 87; March 12, 1813, P. L. 124; March 22, 1813, P. L. 164; March 29, 1813, P. L. 246; March 25, 1814, P. L. 194; March 24, 1818, P. L. 269; March 28, 1820, P. L. 183; February 15, 1821, P. L. 38; (the two Acts of Assembly passed) April 2, 1821, P. L. 188, 226; April 2, 1822, P. L. 216; February 13, 1823, P. L. 35; March 30, 1824, P. L. 234; March 22, 1825, P. L. 99; April 11, 1825, P. L. 226; March 18, 1826, P. L. 132; March 31, 1828, P. L. 233; April 12, 1828, P. L. 333; March 3, 1829, P. L. 47; April 6, 1830, P. L. 306; April 1, 1831, P. L.

323; (the two Acts of Assembly passed) April 4, 1831, P. L. 478, 496; January 21, 1834, P. L. 12; February 27, 1834, P. L. 91; April 1, 1834, P. L. 161; March 31, 1836, P. L. 304; April 16, 1840, P. L. 398; May 27, 1840, P. L. 542; April 2, 1841, P. L. 139; March 17, 1842, P. L. 99; April 18, 1843, P. L. 285; April 29, 1844, P. L. 513; March 1, 1845, P. L. 96; March 22, 1845, P. L. 204; April 15, 1845, P. L. 470; April 3, 1846, P. L. 241; April 14, 1846, P. L. 331; April 21, 1846, P. L. 459; March 3, 1847, P. L. 211; (the two Acts of Assembly passed) March 8, 1847, P. L. 255, 267; March 16, 1847, P. L. 445; February 3, 1848, P. L. 21; April 11, 1848, P. L. 483; April 9, 1849, P. L. 501; March 11, 1850, P. L. 176; (the two Acts of Assembly passed) March 22, 1850, P. L. 228, 234; April 6, 1850, P. L. 346; May 15, 1850, P. L. 1051; March 24, 1851, P. L. 235; April 3, 1851, P. L. 320; (the two Acts of Assembly passed) April 14, 1851, P. L. 541, (1852) 710; March 4, 1852, P. L. 116; April 7, 1852, P. L. 278; April 10, 1852, P. L. 312; (the two Acts of Assembly passed) April 21, 1852, P. L. 331, 334; May 3, 1852, P. L. 521; February 12, 1853, P. L. 74; February 22, 1853, P. L. 93; March 17, 1853, P. L. 206; April 8, 1853, P. L. 343; April 15, 1853, P. L. 456; (the two Acts of Assembly passed) April 18, 1853, P. L. 464, 468; (the two Acts of Assembly passed) April 6, 1854, P. L. 286, 291; April 20, 1854, P. L. 406; December 14, 1854, P. L. (1856) 612; February 14, 1855, P. L. 30; March 9, 1855, P. L. 70; March 21, 1855, P. L. 105; March 27, 1855, P. L. 120; April 26, 1855, P. L. 306; February 4, 1856, P. L. 19; April 8, 1857, P. L. 179; May 6, 1857, P. L. 413; May 20, 1857, P. L. 603; February 12, 1858, P. L. 23; March 24, 1858, P. L. 145; March 25, 1858, P. L. 168; April 15, 1858, P. L. 288; April 16, 1858, P. L. 312; April 21, 1858, P. L. 409; April 22, 1858, P. L. 455; March 3, 1859, P. L. 104; March 21, 1859, P. L. 192; March 24, 1859, P. L. 232; February 8, 1860, P. L. 44; March 21, 1860, P. L. 221; March 29, 1860, P. L. 332; February 26, 1861, P. L. 46; February 27, 1861, P. L. 60; March 22, 1861, P. L. 191; March 29, 1861, P. L. 233; April 17, 1861, P. L. 388; (the two Acts of Assembly passed) May 1, 1861, P. L. 601, 645; March 4, 1862, P. L. 77; April 8, 1862, P. L. 322; (the two Acts of Assembly passed) April 11, 1862, P. L. 427, 452; February 27, 1863, P. L. 75; (the two Acts of Assembly passed) April 1, 1863, P. L. 222, 234; April 14, 1863, P. L. 408; March 25, 1864, P. L. 77; March 30, 1864, P. L. 126; March 31, 1864, P. L. 154; (the two Acts of Assembly passed) May 4, 1864, P. L. 773, 788; May 5, 1864, P. L. 849; February 10, 1865, P. L. 128; February 27, 1865, P. L. 196; March 4, 1865, P. L. 276; March 14, 1865, P. L. 330; March 17, 1865, P. L. 416; (the two Acts of Assembly passed) March 21, 1865, P. L. 468, 493; March 23, 1865, P. L. 720; February 2, 1866, P. L. 13; March 16, 1866, P. L. 244; March 27, 1866, P. L. 341; March 30, 1866, P. L. 410; (the two Acts of Assembly passed) April 4, 1866, P. L. 474, 508; April 11, 1866, P. L. 767; April 12, 1866, P. L. 827; April 14, 1866, P. L. 903; March 12, 1867, P. L. 400; April 3, 1867, P. L. 691; April 5, 1867, P. L. 801; April 6, 1867, P. L. 846; April 8, 1867, P. L. 882; April 15, 1867, P. L. 1249; February 28, 1868, P. L. 238; March 20, 1868, P. L. 403; March 21, 1868, P. L. 412; (the two Acts of Assembly passed) March 24, 1868, P. L. 433, 440; April 11, 1868, P. L. 817; February 27, 1869, P. L. 288; March 18, 1869, P. L. 408; April 12, 1869, P. L. 864; April 15, 1869, P. L. 1064; (the three Acts of Assembly passed) April 17, 1869, P. L. 1115, 1138, 1146; February 10, 1870, P. L. 122; March 1,

1870, P. L. 293; March 22, 1870, P. L. 514; March 23, 1870, P. L. 569; April 2, 1870, P. L. 829; (the two Acts of Assembly passed) April 5, 1870, P. L. 910, 924; April 6, 1870, P. L. 1015; April 9, 1870, P. L. 1107; February 10, 1871, P. L. 42; March 1, 1871, P. L. 153; March 10, 1871, P. L. 309; May 4, 1871, P. L. 550; May 10, 1871, P. L. 651; May 12, 1871, P. L. 784; May 24, 1871, P. L. 1132; May 26, 1871, P. L. 1192; February 10, 1872, P. L. 103; February 15, 1872, P. L. 68; February 27, 1872, P. L. 175; February 28, 1872, P. L. 184; (the three Acts of Assembly passed) March 9, 1872, P. L. 236, 288, 304; March 16, 1872, P. L. 415; March 29, 1872, P. L. 640; March 30, 1872, P. L. 671; April 3, 1872, P. L. 866; April 4, 1872, P. L. 939; April 9, 1872, P. L. 1105; February 27, 1873, P. L. 170; March 24, 1873, P. L. 357; March 27, 1873, P. L. 444; (the two Acts of Assembly passed) March 28, 1873, P. L. 454, 459; April 2, 1873, P. L. 439; (the five Acts of Assembly passed) April 10, 1873, P. L. 648, 652, 652, 655, 721; April 24, 1873, P. L. 845; May 15, 1874, P. L. 296; May 23, 1874, P. L. 230; May 10, 1878, P. L. 51; (the two Acts of Assembly passed) May 18, 1878, P. L. 67, 72; May 22, 1878, P. L. 95; June 12, 1878, P. L. 198; June 11, 1879, P. L. 168; June 1, 1881, P. L. 36; June 10, 1881, P. L. 112; June 27, 1883, P. L. 165; May 23, 1887, P. L. 164; May 24, 1887, P. L. 204; May 15, 1889, P. L. 222; May 23, 1889, P. L. 277; May 12, 1891, P. L. 56; May 20, 1891, P. L. 95; (the two Acts of Assembly passed) May 23, 1891, P. L. 110, 111; May 15, 1893, P. L. 47; May 25, 1893, P. L. 136; May 30, 1893, P. L. 133; May 31, 1893, P. L. 136; (the two Acts of Assembly passed) June 6, 1893, P. L. 334, 334; June 24, 1895, P. L. 240; June 26, 1895, P. L. 394; June 27, 1895, P. L. 398; June 7, 1897, P. L. 130; (the two Acts of Assembly passed) June 23, 1897, P. L. 203, 204; July 9, 1897, P. L. 235; May 5, 1899, P. L. 251; April 23, 1901, P. L. 92.

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## CHAPTER DCXLVIII.

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### AN ACT FOR REGULATING CHIMNEY SWEEPERS WITHIN THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK AND THE TOWNSHIP OF THE NORTHERN LIBERTIES.

Whereas the estates of the inhabitants of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties are frequently endangered by chimneys taking fire and blazing out at the top, and great complaints have been made for want of a proper regulation among those who undertake the sweeping of chimneys:

For remedy whereof:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas