

CHAPTER DCCCXXXIII.

AN ACT FOR THE SUPPRESSION OF VICE AND IMMORALITY.

(Section I, P. L.) Whereas sufficient provision hath not hitherto been made by law for the due observation of the Lord's day, commonly called Sunday, and the preventing of profane swearing, cursing, drunkenness, cock fighting, bullet playing, horse racing, shooting matches and the playing or gaming for money or other valuable things, fighting of duels and such evil practices which tend greatly to debauch the minds and corrupt the morals of the subjects of this commonwealth:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any person shall do any kind of work of his or her ordinary calling or follow or do any worldly employment or business whatsoever on the Lord's day commonly called Sunday (works of necessity and mercy only excepted) or shall use or practice any game, play, sport or diversion whatsoever on the said day and be convicted thereof before any justice of the peace each and every person so offending shall for every such offense be fined the sum of three pounds to be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal of the said justice; or in case the offender shall have none, he or she shall be committed to the common gaol or workhouse of the county there to remain without bail or mainprise for the term of ten days.

(Section III, P. L.) Provided always, That nothing in this act contained shall be construed to prohibit the dressing of victuals in private families, bake houses or houses of [public] entertainment, or to watermen landing their passengers on the Lord's day, commonly called Sunday, nor to the selling of milk before nine of the clock in the morning, or after five in the afternoon of the said day.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person of the age of sixteen years or upwards within this commonwealth shall profanely swear or curse by the name of God, Christ, Jesus, or the Holy Ghost, in the hearing of any justice of the peace of any county, or of the burgess or other head officer or justice of the peace of any city, borough or town corporate where such offense is or shall be committed or shall be legally convicted by the testimony of one witness or by the confession of the party offending, before any justice of the peace of the county, or burgess or other chief officer or justice of the peace of such city, borough or town corporate where the said offense shall be committed that then for every such offense, the party so offending, shall forfeit and pay the sum of ten shillings or suffer imprisonment in the gaol or house of correction at hard labor for any time not exceeding five days.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whosoever shall swear by any other name or thing in the hearing of any justice of the peace, or is legally convicted thereof by the testimony of one witness, or by the confession of the offender, shall for every such offense forfeit and pay the sum of five shillings or suffer imprisonment for any term not exceeding two days in the gaol or the house of correction at hard labor.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That any person or persons intoxicating or abusing him or herself with excessive drinking being convicted thereof by one or more credible witness before any one justice of the peace shall for every such offense forfeit and pay the sum of ten shillings, or suffer imprisonment for any term not exceeding five days in the gaol or house of correction at hard labor.

(Section VII, P. L.) Provided also, That no person shall be prosecuted or molested for any offense before mentioned in this act unless within ten days after the offense committed.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall promote or encourage any match or matches of cock fighting

or bullet playing or appear in any public or private place with a cock or cocks prepared to fight for any bet or prize or in like manner assembled to play at bullets for any bet or prize, or shall enter, start or run any horse, mare or gelding for any bet or prize, or shall promote or be concerned in any shooting match for any plate, prize, sum of money, or other thing of value whatsoever, or shall make, print, publish or proclaim any advertisement or notice of any plate, prize, sum of money, or other thing of value for the use of cock fighting, bullet playing, horse racing or to be shot for by any person or persons whosoever, he, she or they upon conviction thereof by indictment in any court of quarter sessions of the peace and gaol delivery to be held for the city or county where the offense is or shall be committed shall forfeit and pay the sum of five hundred pounds.

(Section IX, P. L.) And whereas cock fighting, bullet playing, horse races and shooting matches are frequently held, and the gaming or playing for money or other things is frequently practiced and carried on at, in, or near taverns or public houses:

[Section VI.] (Section X, P. L.) Be it therefore enacted by the authority aforesaid, That if any public housekeeper or other retailer of strong liquors shall promote or encourage any horse race, cock fight, bullet match, shooting match, or other such idle sport, or shall sell any wine, rum, whiskey, beer, cider, or other strong liquors whatsoever to any person or persons assembled or met for the purpose of attending any horse race, cock fight, bullet match, shooting match or other idle sport, or shall permit or suffer any kind of playing or gaming for money or other valuable thing either at cards, dice, billiards, bowls, shuffleboard, or in any other manner whatsoever to be used, practiced, or carried on within his or her house, or in any place in his or her occupancy, every such public house-keeper or retailer of strong liquors shall for every such offense whereof he or she shall be legally convicted upon indictment in any court of quarter sessions of the peace and gaol delivery forfeit and pay the sum of twenty pounds; and his or her license from and after such conviction shall be, and is hereby declared to be absolutely null and void.

[Section VII.] (Section XI, P. L.) And be it further enacted

by the authority aforesaid, That if any person or persons shall lose any money or other valuable thing at or upon any cock match, bullet match, horse race or shooting match, or at or upon any play, pastime or game whatsoever the person or persons who loseth or who shall lose the said money or other valuable thing shall not be bound or compelled to pay or make good the same, but every contract, note, bill, bond, judgment, mortgage or other security or conveyance whatsoever given, granted, drawn or entered into for security or satisfaction of or for the same or any part thereof shall be utterly void and of none effect.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall lose any money or other thing of value at or upon any cock fight, bullet match, horse race, shooting match, or at or upon any play, pastime or game whatsoever, and shall pay or deliver the same or any part thereof the person or persons so losing and paying or delivering the same shall be at liberty within three months then next to sue for and recover the money or goods so lost and paid or delivered, or any part thereof from the respective winner or winners thereof with costs of suit by action of debt founded on this act to be prosecuted in any court of record, or where the value is under five pounds, before any justice of the peace within this commonwealth; in which actions or suits no essoin, protection, wager of law, or more than one imparlance shall be allowed; in which actions it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use the money so lost or paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act without setting forth the special matter.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any person within this commonwealth shall challenge the person of another to fight at sword, pistol, rapier or other dangerous weapon, such person so challenging shall forfeit and pay for every such offense (being lawfully convicted by the testimony of one or more credible witnesses or by the confession of the party offending) the sum of five hundred pounds or suffer twelve months' imprisonment

without bail or mainprise, and the person accepting such challenge shall in like manner forfeit and pay the like sum of five hundred pounds or suffer the like imprisonment, and moreover the said challenger and challenged (when he accepts) shall be disabled ever after from holding any office of profit or honor within this state. And if any person or persons shall willingly and knowingly carry and deliver any written challenge, or verbally deliver any message, meant as a challenge and shall thereof be legally convicted as above, he or they so offending, shall for every such offense forfeit and pay the sum of five hundred pounds or suffer twelve months imprisonment and be disabled as in the case of giving or receiving challenges.

[Section X.] (Section XIV, P. L.) And be it further enacted by the [authority] aforesaid, That every person and persons whatsoever, that shall from and after the publication of this act, erect, build or cause to be erected or built any play house, theatre, stage or scaffold for acting showing or exhibiting any tragedy, comedy or tragi-comedy, farce, interlude or other play or any part of a play whatsoever or that shall act, show or exhibit them or any of them or be in any wise concerned therein, or in selling any tickets for that purpose in any city, town or place in this commonwealth and be thereof legally convicted in any court of quarter sessions in this commonwealth shall forfeit and pay the sum of five hundred pounds.

[Section XI.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the fines accruing or becoming due for any offenses against this act shall be paid, the one-half thereof to the overseers of the poor for the use of the poor of the city, borough, township or district where such offense shall be committed, and the other half to the person or persons who shall prosecute the offender or offenders against this act to conviction.

(Section XVI, P. L.) Provided always, That no person shall be indicted, prosecuted or molested for any offense or offenses against this act unless such indictment or prosecution be commenced within three months after the offense or offenses committed.

[Section XII.] (Section XVII, P. L.) And be it further enacted

by the authority aforesaid, That so much of an act of assembly, entitled "An act to restrain people from labor on the first day of the week,¹ and of one other act of assembly, entitled "An act for the more effectual preventing accidents that may happen by fire and for suppressing idleness, drunkenness and other debaucheries;"² and of one other act of assembly, entitled "An act for the more effectual suppressing profane cursing and swearing;"³ and one other act of assembly, entitled "An act to prevent all duelling and fighting of duels within this province and territories,"⁴ as is altered or supplied by, or is repugnant to the provisions of this act shall be and is hereby repealed and declared to be null and void to all intents and purposes whatsoever.

Passed March 30, 1779. See the note to the Act of Assembly passed May 31, 1718, Chapter 236; and the Act of Assembly passed March 8, 1780, Chapter 888. The act in the text was repealed by the Act of Assembly passed September 25, 1786, Chapter 1248.

CHAPTER DCCCXXXIV.

AN ACT FOR INCORPORATING THE SCOTS PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas the minister, elders and deacons of the Scots Presbyterian church in Spruce street near Third street, in the city of Philadelphia, by their petition have prayed, That their said church may be incorporated and by law enabled as a body corporate and politic, to receive and hold such charitable donations and bequests as may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the other religious societies who are incorporated in the said city:

(Section II, P. L.) And whereas it is just and right and also

¹ Passed January 12, 1705-6, Chapter 119.

² Passed February 9, 1750-1, Chapter 388.

³ Passed March 7, 1745-6, Chapter 369.

⁴ Passed November 27, 1700, Chapter 45.