

ship of Goshen any felons, criminals and other prisoners who shall be liable to be kept and holden in the gaol of said county from and after the publication of this act and that all such keeping an imprisonment shall be and are hereby declared to be good and valid to all intents and purposes.

Passed September 25, 1786. Recorded L. B. No. 3, 132, etc.

CHAPTER MCCXLVIII.

AN ACT FOR THE PREVENTION OF VICE AND IMMORALITY AND UNLAWFUL GAMING AND TO RESTRAIN DISORDERLY SPORTS AND DISSIPATION.

(Section I. P.L.) Whereas it is directed in and by the constitution of this commonwealth that, "laws for the prevention of vice and immorality shall be made and constantly kept in force and provision shall be made for the due execution of them:"

And whereas the council of censors in their inquiries whether the laws have been duly executed have found that the act of assembly, entitled "An act for the suppression of vice and immorality,"¹ hath not been fully and duly executed and enforced throughout this state:

And whereas the act aforesaid having been enacted on the tenth day of March which was in the year of our Lord one thousand seven hundred and seventy-nine and during the depreciation of the first bills of credit of the United States of America, the penalties in the said act provided and denounced against those who should transgress the same when reduced by the scale of depreciation which was afterwards established for the purpose of estimating debts, demands and penalties arising and become due or to become due upon contracts and under act of assembly which had been made during the course of the said depreciation are in many cases become small and the said act hath thereby lost its force, insomuch that in the case

¹ Chapter 833. Passed March 30, 1779.

of profane swearing by the great and holy name of God the penalty is become less than one shilling in specie currency, and the like of the sin of drunkenness and the other immoralities and disorders intended to be restrained by the act aforesaid, and it is therefore proper and requisite that the provisions and penalties of the same act should be aided and enforced and other and additional regulations made to secure the execution thereof:

Wherefore:

[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 from and after the first day of August next, if any person shall do or perform any worldly employment or business whatsoever on the Lord's day commonly called Sunday, (works of necessity and charity only excepted) or shall use or practice any unlawful game, hunting, shooting, sport or diversion whatsoever on the same day and be convicted thereof, every such person so offending shall for every such offence forfeit and pay the sum of thirty shillings to be levied by distress or in case he or she shall refuse or neglect to pay the sum or goods and chattels cannot be found whereof to levy the same by distress he or she shall suffer six days imprisonment in the house of correction of the proper county.

(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 in lodging houses, inns, and other houses of entertainment for the use of sojourners, travelers or strangers, or to hinder watermen from landing their passengers, or stage coaches or stage wagons from carrying travelers (having the consent of a justice of the peace upon extraordinary occasions) on the Lord's day [commonly] called Sunday nor [to] the delivery of milk or other necessaries of life before nine of the clock in the forenoon nor after five of the clock in the afternoon of the same day.

[Section II.] (Section IV. P. L.) Be it further enacted by the authorities aforesaid, That if any person of the age of six-

teen years and upwards from and after the first day of August next shall profanely swear or curse by the name of God, Christ Jesus, or the Holy Ghost, every person so offending being thereof convicted shall forfeit and pay the sum of five shillings for every profane oath or curse and in case he or she shall refuse or neglect to pay the said forfeiture or goods and chattels cannot be found whereof to levy the same by distress he or she shall be committed to the house of correction of the proper county not exceeding twenty-four hours for every such offence of which such person shall be convicted. And whomsoever shall curse or swear by any other name or thing than as before-said and shall be convicted thereof shall forfeit and pay the sum of three shillings for every such oath or curse, and in case such offender neglect or refuse to satisfy such forfeiture or no goods or chattels can be found whereof to levy the same by distress, he or she shall be committed to the house of correction of the proper county not exceeding twelve hours for every such offence.

[Section III.] (Section V. P. L.) Be it further enacted by the authority aforesaid, That if any person from and after the first day of August next, shall intoxicate him or herself by the excessive drinking of spirituous, vinous or other strong liquor and shall be convicted thereof, he or she shall forfeit and pay the sum of five shillings for every such offence or if such person refuse or neglect to satisfy the said forfeiture or goods and chattels cannot be found whereof to levy the same by distress, he or she shall be committed to the house of correction of the proper county during thirty-six hours for every such offence.

[Section IV.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court of severally throughout this state, every justice of the courts of common pleas and of the peace within his county and each burges of a town corporate within his borough are hereby empowered, authorized and required to proceed against and to punish all persons offending against this act, and every person who shall profane the Lord's day, or who shall profanely swear or curse or who shall commit the sin of drunkenness as aforesaid: And for that purpose each of the said justices and magis-

trates severally may and shall convict such offenders upon his own view and hearing or shall issue, if need be, a warrant, summons or capias (according to the circumstances of the case) to bring the body of the person accused as aforesaid before him, and the same justices or magistrates shall in a summary way inquire into the truth of the accusation, and upon the testimony of one or more creditable witnesses or the confession of the party shall convict the person who shall be guilty as aforesaid, and thereupon shall proceed to pronounce the forfeiture incurred by the person so convicted as hereinbefore directed, and if the person so convicted refuse or neglect to satisfy each forfeiture immediately with costs or produce goods and chattels whereon to levy the said forfeiture together with costs as in the case of debts under forty shillings, then the said justice or magistrate shall commit the offender without bail or mainprize to the house of correction of the county wherein the offence shall be committed during such time as is hereinbefore directed, there to be fed upon bread and water only, and to be kept at hard labor; and if such commitment shall be in any county wherein no distinct house of correction hath been erected, then the offender shall be committed to the common gaol of the county to be therein fed and kept at labor as aforesaid, and every such conviction may be in the form following, viz.:

Be it remembered that on the day of in the year of our Lord one thousand seven hundred and A. B. of county, laborer, (or otherwise, as his or her rank, occupation or calling may be) is convicted before me, being one of the justices of the (or one of the burgesses of the borough of in the county of) of swearing profane oaths by the name of (or otherwise as the offence and case may be) and I do adjudge him (or her) to forfeit for the same the sum of shillings. Given under my hand and seal the day and year aforesaid.

(Section VII. P. L.) Provided always, That every such prosecution be commenced within forty-eight hours after the offence shall be committed.

[Section V.] (Section VIII. P. L.) And be it further enacted by the authority aforesaid, That if any person shall promote or encourage any match or matches of cock fighting or bullet playing or shall appear in any public or private place with a cock or cocks prepared to fight for any bet or price, or shall be assembled with other persons for the purpose of cock fighting [or] bullet playing or shall enter, start or run any horse, mare or gelding for any plate, prize, wager, bet, sum of money or other thing of value, whatsoever, or shall make, print, publish or proclaim any advertisement, or give any notice of any plate, price, wager, bet, sum of money or other thing of value for the purpose of cock fighting, bullet playing, horse racing or raffing or to be striven for by any person or persons whomsoever, every such person so offending as aforesaid shall upon conviction thereof in any court of quarter sessions of the peace or of oyer and terminer and general gaol delivery to be holden for the city or county wherein the offence shall be committed, forfeit and pay the sum of five pounds.

(Section IX. P. L.) And whereas, games of address, hazard, cock fighting, bullett playing and horse racing are frequently promoted and held at, in or near to taverns or other public houses, as well licensed as tippling houses and the houses of persons who retail spirituous liquors or other strong drink:

Therefore:

[Section VI.] (Section X. P. L.) Be it enacted by the authority aforesaid, That if any tavern keeper, public house keeper, keeper of a tippling house, or other retailer of wine, spirituous liquors or other strong drink, shall incite, promote or encourage any games of address, hazard, cock fighting, bullett playing or horse racing whereat money or other valuable thing shall be betted, staked, striven for, won or lost, or shall furnish any wine, spirituous liquors, beer, cider or other strong drink to any of the persons who shall be assembled, or come together for the purpose of attending upon any game of address, hazard or cock fight, bullett playing or horse racing as aforesaid, or shall permit or allow of any kind of game of address, hazard playing, betting or gaming for money or other thing whatsoever, either at cards, dice, billiards, bowls, shovel

board, or by any game, device or manner to be practiced, played or carried on within his or her dwelling house or other house, out-house, shade or place in his or her occupancy, every such tavern keeper, keeper of a public house, keeper of a tipping house, or retailer of wine or spirituous liquors, beer, cider or other strong drink who shall be thereof legally convicted in any court of quarter sessions of the peace, or oyer and terminer and general gaol delivery held for the city or county wherein the offence shall be committed shall forfeit and pay for every such offence the sum of five pounds, and if such convict be a licensed public house keeper or a retailer of wine or spirituous liquors, or beer, the license of such person shall be thereupon null and void, and such offender shall be incapable of being again licensed in like manner for one year thereafter; and upon a second conviction of the like offence, such person shall forfeit and pay the sum of ten pounds and be forever incapable of being a public house keeper or retailer as aforesaid within this state.

(Section XI. P. L.) And whereas divers persons who keep inns, taverns and other public houses under pretence of an act of assembly, entitled "An act for raising and collecting of money on the specified articles therein mentioned for the support of the government, and for other purposes therein mentioned,"² whereby an annual tax is laid on every possessor of any billiard table, have set up billiard tables in their dwelling houses or outhouses appertaining thereto, whereby the purposes of act aforesaid have been frustrated and divers idle and disorderly persons do assemble at such billiard tables and do misspend their time and waste their substance by playing for sums of money and by betting on the success of those who game there at for money:

For remedy whereof:

[Section VII.] (Section XII. P. L.) Be it enacted by the authority aforesaid, That from and after the first day of August next no billiard table, E O table nor other device for the purpose for gaming for money shall be set up, kept or maintained in any dwelling house out house or place occupied by any tavern keeper, [inn keeper], public house keeper, retailer of

² Passed March 20, 1783. Chap. 1013.

wine, spirituous liquors, beer or cider, whether such person have a license or keep a tippling house on pain of forfeiting every such billiard table, E O. table or other device, and of forfeiting moreover the sum of fifty pounds upon conviction thereof in any court of quarter sessions of the peace or of oyer and terminer and general gaol delivery held for the city or county wherein the offence shall be committed, and the justices of the peace upon application to them for a license to keep a tavern or other public house shall if they see cause inquire by the oath or affirmation of witnesses and otherwise whether such applicant do keep any such billiard table, E O table, or other devices for gaming within his or her dwelling house, out house or other place within such person's occupancy, and if it do[es] not appear plainly to the justices aforesaid that such person so applying hath no device for gaming in his possession as aforesaid, the said justices shall not recommend such person to the president or vice president in council for a license, and no license issued to any person who shall so possess as aforesaid any such billiard table, E O table or other devices for gaming, shall be of any force or avail, but shall be void to all intents and purposes.

[Section VIII.] (Section XIII. P. L.) 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, bullett playing or horse racing, or at or upon any game of address, game of hazard, play or game whatsoever, the person or persons who shall lose the money or other valuable thing shall not be compelled to pay or make good the same, and every contract, note, bill, bond, judgment, mortgage or other security or conveyance whatsoever, given, granted, drawn or entered into for security or satisfaction of the same or any part thereof shall be utterly void and of none effect.

[Section IX.] (Section XIV. 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 game of address or of hazard or other play and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same shall have a right within ten days 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 suits, by action of debt, or case, for the value of the money or thing so lost, founded on this act, to be prosecuted in any court of record or where the value is under ten pounds before any justice of the peace within this commonwealth, subject to an appeal as in other cases, in which action no essoin, protection or wager of law nor more than one imparlance shall be admitted, and in which actions it shall be sufficient for the plaintiff or plaintiffs to allege that the defendant or defendants are indebted to the plaintiff or plaintiffs or received to his or their use the money so lost and paid or converted the goods, one of him or them to the use of the defendant or defendants whereby the action of the plaintiff or plaintiffs accrued to him or them according to the form of this act, without setting forth the special matter.

[Section X.] (Section XV. P. L.) And be it further enacted by the authority aforesaid, That if any person within this commonwealth shall challenge by word or writing the person of another to fight at sword, rapier, pistol or other deadly weapon such person so challenging shall forfeit and pay for every such offence being thereof lawfully convicted by the testimony of one or more credible witnesses or by the confession of the party offending the sum of one hundred pounds, or shall suffer twelve months imprisonment without bail or mainprize, and the person who shall accept any such challenge shall in like manner forfeit and pay the sum of fifty pounds or suffer such imprisonment for and during six months, and if any person shall willingly and knowingly carry and deliver any written challenge or shall verbally deliver any message purporting to be a challenge, or shall consent to be a second in any such intended duel, and shall be thereof legally convicted as aforesaid, he or they so offending shall for every such offence, forfeit and pay the sum of fifty pounds or suffer six months imprisonment as aforesaid.

[Section XI.] (Section XVI. P. L.) Be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall erect, build or cause to be erected or built, any play house, theatre, stage or scaffold for acting, showing or exhibit-

ing any tragedy, comedy, tragi-comedy, farce, interlude, pantomime, or other play, or any scene or part of any play whatsoever, or who shall act, show or exhibit any such play or any part of a play or shall be in anywise concerned or employed therein, or in selling any ticket or tickets for that purpose in any place within this commonwealth, and be thereof legally convicted in the court of quarter sessions of the peace, or of oyer and terminer and general gaol delivery of the city or county wherein the offence shall be committed, shall forfeit and pay the sum of two hundred pounds for every such offence, and every such person after conviction as aforesaid shall be holden in recognizance with two sufficient sureties to be of his or good behaviour and if such person offend again in like manner such offence shall incur the forfeiture of such recognizance [and].

(Section XVII. P. L.) Whereas a great abundance of taverns and public houses for the vending of spirituous liquors has been found to promote habits of idleness and debauchery to the end that the number thereof be determined by the manner of real utility and necessity.

[Section XII.] (Section XVIII. P. L.) Be it enacted by the authority aforesaid, That the justices of the quarter sessions for the city of Philadelphia and the counties respectively shall, at their first session in the year one thousand seven hundred and eighty-seven and at the first session of every year thereafter limit and declare the number of taverns and public houses as aforesaid which only may be licensed for the year following such session within the said city and counties respectively the said justices in the distribution of their recommendations to the supreme executive council for licenses to keep such taverns and public houses having regard to the particular neighborhoods and situations, the most suitable for the accommodation of inhabitants and travelers, and the said justices are hereby authorized to issue their recommendations as aforesaid as far as the number so limited and declared or any number within at their discretion but no more. [And]

[Section XIII.] (Section XIX. P. L.) Be it enacted by the authority aforesaid, That one moiety of the forfeiture in money accruing and becoming due for any offence against this act

shall belong to the overseers of the poor of the city, borough, township or district wherein the offence shall be committed, and the other moiety to the person or persons who shall prosecute and sue for the same, and the inhabitants of such city or other place shall notwithstanding be admitted witnesses to testify against any person who shall be prosecuted for any offence by virtue of this act.

(Section XX. P. L.) Provided always, That no person shall be prosecuted or convicted for any offence against this act except such prosecution be commenced within thirty days after the offence has been committed.

[Section XIV.] (Section XXI. P. L.) Be it further enacted by the authority aforesaid, That the act of assembly before recited, entitled "An act for the suppression of vice and immorality,"³ and every article, clause and thing, therein contained, and the several act of assembly which were thereby repealed, shall from and after the first day of August next be repealed and become null and void, and that this act and everything herein contained shall then and hereupon be in full force and virtue and continue in force and virtue for the term of seven years and no longer.

Passed 25th September, 1786. Recorded L. B. No. 3, p. 125, etc.
See Acts of Assembly passed March 2, 1789, Chapter 1391; April 22, 1794, Chapter 1758.

CHAPTER MCCXLIX.

AN ACT FOR THE RELIEF OF GEORGE SCHLOSSER.

(Section I. P. L.) Whereas it hath been made to appear to the legislature of this commonwealth by George Schlosser of the city of Philadelphia, that on the application of the supreme executive council of this state made to the said George Schlosser, at Lancaster, in the month of June in the year of our Lord one thousand seven hundred and seventy-eight, in a peculiar

³ Ante.