

tors to the inhabitants of this province or territories, any act, law, custom or usage to the contrary hereof in anywise notwithstanding.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed February 28, 1710-11, Chapter 176.

CHAPTER LIII.

AN ACT FOR THE REGULATING OF STREETS AND WATER COURSES IN THE CITIES AND TOWNS OF THIS GOVERNMENT.

Forasmuch as the ornament of towns and conveniency and health of the inhabitants so much depend upon the due regulation of streets and landing places, and that the said streets and landing places and water courses may be effectually regulated and repaired:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That it shall and may be lawful for the governor, for the time being, with four of his council, from time to time to nominate and appoint such and so many as he and they shall think needful of the substantial inhabitants of the said towns respectively, so often as occasion shall be, to regulate the said streets and water courses and to order the pitching, paving and graveling thereof, as also the clearing of docks where such may be, and repairing landing places and bridges in the said towns; which persons so appointed or the major part of them are hereby empowered to agree with and employ workmen for performing the same from time to time.

Provided, That all water courses under ground in such towns, as aforesaid, shall be arched and laid with brick or stone: and for defraying the charge of pitching, paving, graveling and regulation of the said streets, and scouring and cleansing the

docks, each inhabitant concerned shall pay towards the same in proportion to the number of feet of his, her or their lots or landings adjoining on each or either side of the said streets or docks; and for defraying the charge of repairing landing places, bridges, making common shores and paving, pitching, graveling and regulating any part of the streets, or scouring and cleansing any part of the docks belonging to the public, each inhabitant in the said respective town or place shall pay his, her and [sic] their proportional rates according to their estates in each town.

And for the better regulating and defraying the said charges:

[Section II.] Be it enacted by the authority aforesaid, That it shall be lawful to and for the said persons so to be appointed as aforesaid, or the major part of them, with the advice and assistance of the justices of the peace of the respective counties, or at least two of them, who reside in or near the said respective towns, where and as often as occasion shall require, to calculate and compute the said charges, and thereupon with the assent of the governor and four of the council, equally to lay rates or assessments for levying the same upon the inhabitants of their towns and cities respectively; and the same being so rated, the said assessors shall forthwith appoint collectors and receivers thereof, and in case of non-payment of any sum or sums of money by virtue of this act to be levied, it shall be lawful for any such collector by virtue of a warrant under the hand and seal of any justice of the peace for the county where such non-payment is or shall be (who by virtue of this act are [sic] authorized and required to grant such warrant) to levy the same by distress and sale of such person's or persons' goods or other estates, returning the overplus (if any be) to the owners, after such sum assessed or distrained for, with all charges, is deducted.

[Section III.] And be it further enacted by the authority aforesaid, That every owner or inhabitant of any and every house in Philadelphia, Newcastle and Chester shall plant one or more tree or trees, viz., pines, unbearing mulberries, water poplars, lime or other shady and wholesome trees before the door of his, her or their house and houses, not exceeding eight feet from

the front of the house and preserve the same, to the end that the said towns may be well shaded from the violence of the sun in the heat of summer and thereby be rendered more healthy.

Passed November 27, 1700. This act is said by Weiss and Brockden, Galloway, Dallas and Smith to be supplied by an Act of 10 Queen Anne, of June 12, 1712, which Dallas more specifically indicates (in a footnote) as his Chapter 186. The latter, our Chapter 185, applies only to Philadelphia, and does not touch upon the subject of the third section of this act.

It does not appear to have been submitted to the consideration of the Crown in 1705 (see Appendix I, Section II), and in the editions of 1714, 1728 and 1742, it is marked "repealed." The minutes of the Assembly are missing from October 27, 1701, to May 24, 1704, and it is probable that this act was repealed by a resolution of the Assembly passed within that period, as was done on October 17, 1701, in the cases of Chapters 76 and 77.

CHAPTER LIV.

AN ACT FOR PREVENTING ACCIDENTS THAT MAY HAPPEN BY FIRE IN THE TOWNS OF BRISTOL (LATELY CALLED BUCKINGHAM), PHILADELPHIA, GERMANTOWN, DARBY, CHESTER, NEWCASTLE AND LEWES WITHIN THIS GOVERNMENT.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That if within ten days after the publication hereof, any person or persons within any of the said towns set on fire their chimneys to cleanse them, or shall suffer them or any of them to be so foul as to take fire and flame out at the top, and be duly convicted thereof, by two credible persons of the neighborhood, before some one justice of the peace, such person or persons shall forfeit for every such offense forty shillings.

And for the further securing of houses and preventing of fire from destroying them in the said towns:

[Section II.] Be it enacted by the authority aforesaid, That every owner or tenant of every dwelling house within the said towns, shall within ten days after the publication hereof provide and keep in or by his or her house a swab, at least twelve or