

CHAPTER CCCCXVIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR REGULATING AND CONTINUING THE NIGHTLY WATCH AND ENLIGHTENING THE STREETS, LANES AND ALLEYS OF THE CITY OF PHILADELPHIA, AND FOR RAISING OF MONEY ON THE INHABITANTS AND ESTATES OF THE SAID CITY FOR DEFRAYING THE NECESSARY EXPENSES THEREOF." ¹

Whereas by an act passed in the present year of His Majesty's reign, entitled "An act for regulating and continuing the nightly watch and enlightening the streets, lanes and alleys of the city of Philadelphia, and for raising of money on the inhabitants and estates of the said city for defraying the necessary expenses thereof," amongst other things it is enacted "That the wardens of the city of Philadelphia for the time being shall be and they are thereby authorized and empowered, with the consent of the mayor, recorder or any two of the magistrates of the said city, to dig such an additional number of wells and therein fix pumps as to them shall appear necessary within the streets, lanes or alleys of the said city. And the said wardens or any four of them are further authorized and empowered to agree with the owner or owners for such pump or pumps as are already fixed in the streets, lanes or alleys of the said city, and after such agreement made with the respective owner or owners thereof such pump or pumps shall forever become the property of and belong to the public, to be maintained and kept in repair at the public charge."

And whereas it is by the hereinbefore-mentioned act further enacted "That the said wardens shall and they are thereby authorized and enjoined to inquire into the condition and take care of the repair of the pumps within the streets, lanes or alleys of the said city, and if after due inquiry any of the said pumps shall be found on the evidence of two or more witnesses to have been out of repair by the space of three months next after notice

¹ Passed September 15, 1756, Chapter 411.

thereof given by one or more of the said wardens to the owner or owners of the said pumps, then and in such case every such pump or pumps shall forever become and be the property of the public, to be maintained at the public charge."

And whereas many owners of the said pumps are inclinable and desirous to make over their rights in and to the same, and divers other the pumps within the streets, lanes and alleys of the said city, by being neglected and suffered to be and remain out of repair, are likely to become the property of the public, to be maintained at the public charge, as in and by the herein-before-mentioned act is directed, whereby a very heavy charge must accrue for the necessary repairs and expenses thereof.

And some doubts having arisen touching the power of the wardens to enforce an equitable consideration or annual payment from such families, householders and others as shall make use of the said pumps or any of them that are or shall hereafter become the property of the public for and towards the necessary repairs and expenses thereof as aforesaid.

Therefore for avoiding all disputes concerning the premises and for rendering the tax upon the inhabitants of the said city more easy and equitable:

[Section I.] Be it enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and the 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 the wardens of the city of Philadelphia for the time being shall be and they are hereby authorized and empowered to assess and rate every family, householder and others, who shall and may after the publication of this act make use of any of the pumps in the streets, lanes or alleys of the said city which are or hereafter shall be and become the property of the public, and in every such assessment or rate shall ascertain and allot the sum and sums of money which every such family, householder or others shall pay yearly for the use of the same, according to the best of their skill, knowledge and discretion, having a due

regard to the quantity of water used out of the said pump or pumps by the said family, householder or others respectively.

Provided, The sum or sums so as aforesaid assessed and rated to any single family or householder do not exceed in the whole five shillings *per annum* for such families and householders as have no pumps of their own, and two shillings and six pence *per annum* for such other families and householders as have pumps upon their own premises in good order and repair, yet nevertheless because of the goodness of the water in the said public pumps may make use of the same for some particular occasions at times and in smaller quantities.

[Section II.] And be it further enacted by the authority aforesaid, That the said wardens shall and they are hereby authorized and enjoined, yearly and as often as occasion may require, to order and cause their clerk to make out true and fair lists or duplicates of the names of all and every person and persons who as heads of families, householders or others do make use of any of the pumps as aforesaid, with the sum and sums so as aforesaid assessed and rated, with directions under the hands of four or more of the said wardens to the collector or collectors of the tax to be annually levied by the hereinbefore-mentioned act, requiring the said collector or collectors to receive and collect of and from the parties the respective sums of money wherewith they stand charged in the said lists or duplicates respectively according to the directions of this act. And in case any person or persons shall neglect or refuse to pay the same according to the rates and sums in the said lists or duplicates so as aforesaid charged, it shall and may be lawful to and for the said collector or collectors by a warrant under the hands and seals of any four or more of the said wardens, empowering them to recover the same by distress and sale of the goods and chattels of the person or persons so neglecting or refusing to pay the same. All which said sum or sums of money so as aforesaid collected and recovered shall be added to the public stock and shall be laid out and accounted for by the said wardens as other the moneys arising by virtue of the hereinbefore-mentioned act are directed to be laid out and accounted for, anything herein-contained to the contrary notwithstanding.

This act to continue and be in force during the continuance of the act hereinbefore-mentioned, to which it is a supplement and no longer.

Passed January 18, 1759. Confirmed by the King in Council, June 16, 1758. See Appendix XXI, Section IV, and note to the Act of Assembly passed September 15, 1756, Chapter 411. Repealed by the Act of Assembly passed September 30, 1763, Chapter 504.

CHAPTER CCCXCIX.

AN ACT FOR THE FURTHER CONTINUANCE OF AN ACT OF GENERAL ASSEMBLY OF THIS PROVINCE, ENTITLED "AN ACT FOR THE MORE EASY RECOVERY OF LEGACIES WITHIN THIS PROVINCE." ¹

Whereas an act of general assembly of this province, entitled "An act for the more easy recovery of legacies within this province," passed in the sixteenth year of the present reign, being by its own limitation near expiring, by one other act of assembly passed in the twenty-third year of the same reign was continued from thence for and during the term of seven years, and from thence to the end of the next session of assembly and no longer.

And whereas it hath been found on experience to be a necessary and beneficial act, but the term for which it was continued by the limitation therein-contained being now near expiring:

Therefore for preventing the expiration of so useful a law:

[Section I.] Be it enacted by the Honorable William Denny, 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 the act of assembly aforesaid, entitled "An act for the more easy recovery of legacies within this province," be and the same act is hereby further continued from the time limited

¹ Passed February 3, 1742-43, Chapter 358.