

commenced in the proper county; and that all taxes already laid within the bounds of the said county of Berks hereby intended to be run and ascertained which are not already collected and paid shall be collected by the respective collectors and paid into the hands of the respective treasurers of the counties where such taxes were laid and that all persons concerned in the levying, receiving and paying the said taxes shall have the same power and authority and be under the same penalties and restrictions for collecting and paying the same as if the said taxes had been assessed and laid by the commissioners and assessors of the proper county, anything in this act or the act to which this act is a supplement to the contrary in any wise notwithstanding.

Passed February 18, 1769. Referred for consideration by the King in Council, February 26, 1770, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVII, Section I, and the note to the Act of Assembly passed March 11, 1752, Chapter 392.

CHAPTER DXCIV.

AN ACT FOR REGULATING, PITCHING, PAVING AND CLEANSING THE HIGHWAYS, STREETS, LANES AND ALLEYS, AND FOR REGULATING, MAKING AND AMENDING THE WATERCOURSES AND COMMON SEWERS WITHIN THE INHABITED AND SETTLED PARTS OF THE CITY OF PHILADELPHIA, FOR RAISING OF MONEY TO DEFRAY THE EXPENSES THEREOF AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas the paving the streets, lanes and alleys within the inhabited and settled parts of the city of Philadelphia so far as they have been already paved and the keeping the same clean hath greatly contributed to the preservation of the health of the people inhabiting therein and resorting thither:

And whereas the law for effecting these good purposes is near expiring and divers streets, lanes and alleys within the said city remain yet unpaved:

[Section I.] Be it enacted by the Honorable John Penn, 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 Thomas Say, Henry Lisle, Thomas Tilbury, Henry Drinker, Samuel Bryan and John Mifflin are hereby nominated and appointed commissioners for paving and cleansing the said streets, and that the said Thomas Say and Henry Lisle shall continue in their respective offices until the second day of October next, and that Thomas Tilbury and Henry Drinker shall continue in their respective offices during the space of one year from the said second day of October next, and that Samuel Bryan and John Mifflin shall continue in their respective offices during the space of two years from and after the second day of October next ensuing the publication of this act.

And in order to keep up a succession of persons in the said offices to execute and perform the several duties, matters and things by this act enjoined and required:

[Section II.] Be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said city qualified to elect or to be elected members of assembly, at the time and place of their electing burgesses to serve in assembly shall then and there yearly during the continuance of this act in a peaceable manner choose two persons for commissioners for paving and cleansing the streets of the said city to serve in the room and stead of the commissioners whose office shall end and terminate at that time, and to join with the four remaining commissioners in the execution and performance of the duties and services enjoined them by this act in manner following: That is to say, the said freeholders at the time they deliver in their tickets for the choice of burgesses shall also deliver in writing in one other piece of paper to the judges of the election the names of two persons to be commissioners as aforesaid, and when all the electors appearing shall have delivered in their respective tickets the sheriff and judges of the said election shall take an account thereof and publish the persons duly elected to the service and office aforesaid in like manner as by law is directed in cases of elections of representatives to serve

in the general assembly of this province, which commissioners so from time to time to be chosen shall be the commissioners to serve in the room and stead of the persons whose offices shall determine at the time of their election and shall remain in their said offices during the space of three years; and when the said commissioners shall from time to time be so chosen the sheriff of the county of Philadelphia or others the judges of the said election then and so often shall take their names in writing under the hands and seals of at least four or more of the said freeholders and certify the same to the clerk of the mayor's court of the said city for the time being, that by him the same may be entered among the records of the court; but before any of the said commissioners herein nominated and appointed or hereafter to be chosen by virtue of this act shall take upon him or themselves the services and duties by this act enjoined and required, they and each of them shall take an oath or affirmation of the tenor and effect following: That is to say:

“That they will well and truly cause the debts arising by virtue of this act to be speedily adjusted and the several sums of money hereby imposed to be duly collected and applied to the purposes by this act intended and to no other purpose, and that they will diligently attend and faithfully discharge the duties and services enjoined them by this act during their office of commissioners as aforesaid, according to the best of their skill and abilities.”

[Section III.] And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, as soon as conveniently may be after the publication of this act, and so from time to time as often as there may be occasion, shall meet together at some convenient place in the said city and then and there consult together respecting the best method and manner of paving and keeping clean such of the streets and public lanes and alleys of the said city as are within the inhabited and settled parts thereof, and of amending and repairing the common sewers of the said city already made, and of making, amending and repairing such as shall hereafter be made for discharging and carrying off the water into the river, and of making, amending and repairing the public streets, roads and highways within the said city leading from any of the public

roads in the country to the paved and regulated parts of the said streets, and contract with any person or persons for sand, stone, gravel or any other materials convenient and necessary for the uses and purposes aforesaid, and to contract, agree with and hire such a number of pavers and workmen as they shall judge necessary and proper to be employed from time to time in and about the premises, and to agree on, execute and perform every other act, matter and thing which to them shall appear necessary for the effectual paving and keeping clean the said streets, lanes and alleys when paved and other purposes aforesaid from time to time and at all times hereafter.

[Section IV.] And be it enacted by the authority aforesaid, That the mayor or recorder of the said city and any four of the aldermen, together with the commissioners aforesaid, or a majority of the said commissioners, shall meet together as often as occasion may require at some convenient place in the said city and then and there consider, determine and agree on which of the said streets and public lanes and alleys within the inhabited and settled parts of the said city shall be first paved, having regard to the streets that are most used by the country in bringing their produce and effects to market, which are hereby directed to be first paved.

[Section V.] And be it enacted by the authority aforesaid, That the said mayor or recorder and four aldermen, together with any four of the regulators of the said city for the time being, shall appoint and direct the regulation of the said streets, lanes and alleys and common sewers with the degree of descent of each watercourse.

Provided always, That no common sewer or watercourse to be laid out shall be so regulated and laid out as to run through any lot or ground belonging to any private person or persons unless the same shall be agreed to and approved of by at least four of the said commissioners, and in every such case that the damages sustained or to be sustained by reason thereof by such private owner or owners shall be valued and appraised by two indifferent persons, one of them to be chosen by the said commissioners and the other by such owner or owners, and also that the

said damages shall be paid to such owner by order of the said commissioners out of the moneys arising by virtue of this act.

[Section VI.] And be it further enacted by the authority aforesaid, That the said mayor or recorder, aldermen and regulators, shall have full power and authority to enter upon the lots, grounds and possessions of any person or persons, bodies politic or corporate, through which the said common sewers do or ought to run, to regulate them, and the said commissioners to make, amend and repair the same, provided that such common sewers be regulated, made, amended and repaired with as little detriment and injury as may be to the said owners and possessors of such lots, grounds and possessions.

[Section VII.] And be it enacted by the authority aforesaid, That if any person or persons whatsoever shall willfully stop up or obstruct the passage of the waters of any of the common sewers already made or hereafter to be made within the said city, he or they so offending shall forfeit and pay for every such offense any sum not exceeding the sum of twenty-five pounds.

[Section VIII.] And be it enacted by the authority aforesaid, That the said commissioners, or a majority of them, from time to time shall employ, hire and agree with proper and capable persons to clean the cartway of the said streets, lanes and alleys which have been heretofore or shall be so paved as aforesaid, and to remove and carry off from thence all mud, dirt and other filth there found that shall or may incommode the inhabitants in such manner and form and at such time or times as they the said commissioners, or a majority of them, with the mayor or recorder and any four of the aldermen aforesaid, shall direct and appoint, which said persons so agreed with and employed shall take upon themselves the office and duty of scavengers, pursuant to their respective agreements aforesaid, under the penalty of five pounds for every neglect or refusal; and if any such scavenger shall neglect or refuse to carry off and remove all and every part of the mud, mire, dirt and other filth found in the streets, lanes and alleys aforesaid agreeable to his contract with the said commissioners, he shall forfeit and pay any sum not exceeding twenty shillings for every such offense.

[Section IX.] And be it further enacted by the authority aforesaid, That the inhabitants and occupiers of the houses and lots, and the sextons, porters or other keepers of churches, meeting-houses, academies, schools and other public buildings and burying grounds fronting the paved streets, lanes and alleys within the said city, shall rake and sweep into the cartway the dirt, soil and other filth to be found on the brick pavement or footway before their respective houses, lots or dwellings, or cause the same to be done once at least in every week: That is to say, on every Friday when the snow or ice on the said pavements does not prevent, that it may be removed by the said scavengers on the same day or the day following, under the penalty of any sum not exceeding five shillings for every neglect or refusal.

[Section X.] And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall cast or lay or cause to be cast or laid any shavings, ashes, dung or other filth or annoyance on any pavement within the said city under the penalty of any sum not exceeding twenty shillings for every such offense; but every such person and persons having such shavings, ashes, dung or other filth shall keep the same in some other place until the scavenger shall attend with his cart to carry off the same, which he is hereby enjoined to do once in every week at least if required, at the door of every such person, under the penalty of five shillings for every refusal, and to take and receive the same into his cart and to remove the same out of the inhabited parts of the said city under the penalty of five shillings for every neglect or refusal.

[Section XI.] Provided always and be it enacted, That every such person having such mud, dung, ashes or other filth so to be carried off shall pay to every such scavenger for all such filth and no other as shall be occasioned by or arise from his particular trade, business or occupation and is not incident to common housekeeping, at such rate as shall be from time to time settled and ascertained by the said commissioners, unless he, she or they shall choose to carry off the same at his, her or their own expense in another manner.

[Section XII.] And be it enacted by the authority aforesaid,

That if the owner of any house or lot which shall be rated and assessed by virtue of this act, or before whose front the foot pavement shall be hereafter directed to be paved, amended or repaired by the said mayor or recorder and aldermen and commissioners as aforesaid, shall not reside within the said city, the tenant or person occupying the same shall pay his the said owner's rate and assessment and pave and repair the footway before the front of his possession as by this act is directed, and the taxes paid in pursuance of this act and the money expended by such tenant in paving and repairing the footway aforesaid in obedience to the order of the mayor or recorder and four of the aldermen with any four of the commissioners as aforesaid shall be allowed by the owner and defalked by the tenant out of the rent then due or thereafter to become due, any law, usage or custom to the contrary notwithstanding; and if any owner of any house and lot before whose front the cartway shall be paved in pursuance of this act, or if any tenant of any such house or lot, shall refuse or neglect to pave and repair the footway agreeable to the direction and order aforesaid, every such owner if a resident within the said city and every such tenant of such non-resident owner shall forfeit and pay for every foot fronting his possession so neglected to be paved the sum of one shilling; and that the said commissioners, or a majority of them, shall make, amend and repair the same out of the public moneys by this act directed to be raised, and shall recover the same of such resident owner or tenant of such non-resident owner respectively as the case may require in a summary way before the mayor, recorder or any alderman of the said city in the same manner as debts not exceeding five pounds are by law directed to be recovered by the justices of the peace of the respective counties within this province.

And for defraying the expenses and charges arising by virtue of this act:

[Section XIII.] Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners aforesaid, or a majority of them, together with the city assessors for the time being, or a majority of them, to meet as soon as they conveniently can after the publication of this act, and on the

sixth day of October yearly and every year, unless the same shall happen to be on a Sunday, and then on the day following, at the court-house of the said city or some other convenient place, and then and there to estimate and determine what sum and sums of money shall be necessary to be raised and levied on the inhabitants of the said city for answering the purposes by this act intended.

[Section XIV.] And be it further enacted by the authority aforesaid, That the said commissioners, or any four of them, shall, within ten days after such estimate is made, issue forth their precepts, directed to the constables of the said city, requiring them to bring to the said commissioners and assessors within fifteen days next after the date of such precept fair and true certificates in writing upon their legal qualifications (which the said commissioners are hereby empowered to administer) of the names and surnames of all and every the persons dwelling or residing within the limits of their wards and the names of all freemen, inmates, hired servants and all other persons residing or sojourning in every of the said wards, together with an account of what houses, lands, tenements, rent-charges, bound servants and negroes, with their ages, they respectively hold or possess in such ward, without concealment, fear, malice, favor or affection, upon pain of forfeiture of any sum not exceeding five pounds to be levied as by this act is appointed; and every of the said constables shall have and receive from the treasurer hereafter to be appointed two pence per pound out of the sums to be collected from the inhabitants by them returned for their care and trouble in executing and returning the said precepts in manner aforesaid; and that the said commissioners and assessors, or a majority of them, shall meet at the day and place where the said precepts shall be made returnable and then and there receive the constables' returns; and that the said assessors shall thereupon, by the legal qualifications of the said constables or other credible persons or by any other lawful ways or means inform themselves what persons and estates in the said city are ratable by virtue of this act, and shall forthwith equally and impartially assess themselves and all others ratable as aforesaid, having a due regard

to such as are poor and have a charge of children, and exempting out of such assessments all single men who, at the time of assessment, are under twenty-one years of age or have not been out of their servitude or apprenticeship twelve months, and all transient persons and strangers who shall have any goods and merchandise for sale in the said city shall for such goods and merchandise be rated in proportion to the said inhabitants. And the said assessors for their time and labor in the premises shall be allowed two pence per pound for the whole sums assessed after the assessment is rectified and adjusted by the commissioners, according to the direction of this act, to be paid by the treasurer hereinafter appointed and to be equally divided amongst them, which said poundage shall be to the assessors for the time being in full satisfaction for all services and attendances required of them by this act.

Provided always, That no such assessment or assessments to be made by virtue of this act in any one year shall exceed the value of three pence in the pound, and that no person shall be chargeable within the intent and meaning of this act unless he be assessed at eight pounds or upwards; and that they the said assessors and each of them shall before they take on themselves the duties enjoined and required by this act take a legal qualifications to the effect following: That is to say:

“That they will well and truly cause the rates and sums of money by this act imposed to be duly and equally assessed and laid to the best of their skill and knowledge, and therein shall spare no person for favor or affection nor grieve any for hatred or ill-will; and that they and each of them, the said assessors, will diligently attend and faithfully execute the said office during the term of their continuance therein according to the best of their abilities and judgment;”

which qualification the mayor or recorder, or any two of the aldermen aforesaid, are hereby empowered and required to administer and to certify the same to the clerk of the sessions of the peace of the said city, to be by him filed among the records and papers of his office.

[Section XV.] And be it further enacted by the authority aforesaid, That the said commissioners and assessors, the better to enable them to discharge the duties enjoined them by this

act, shall choose and employ a fit and able person for their clerk, who shall, in books to be provided for that purpose by the commissioners, make such entries and keep such accounts as he shall be directed to do by the commissioners and assessors, or a majority of them, from time to time, and shall also make such entries and keep such accounts as he shall be required to do by the commissioners, or a majority of them, of all such matters and things enjoined them by this act, and also to do and perform all other duties by him to be done in pursuance of this act, for which he shall be allowed such a reasonable reward as the said commissioners, or any four of them, shall appoint, which shall, by an order from the said commissioners, or any four of them, be paid him by the treasurer.

[Section XVI.] And be it further enacted by the authority aforesaid, That the said assessors shall, after the assessments made as aforesaid, appoint one or more fit person or persons to be collector or collectors of the said assessments from time to time, and shall cause fair duplicates of the assessments to be drawn, one part thereof shall be by the clerk delivered to the commissioners and the other part to the collector or collectors, with directions under the hands of four or more of the commissioners to every such collector, indorsed on his duplicate or annexed thereunto, requiring him or them to demand of the parties the respective sums of money wherewith they are chargeable and acquaint them of the day of appeal, which shall be appointed by the said commissioners within thirty days after the assessments are made; but where any of the said collectors cannot meet the party of whom demand is to be made as aforesaid, he or they shall leave notice in writing with some of the family or at the place of the party's last abode, signifying also the day of appeal, at which day the said collector or collectors shall return their duplicates with the names of such persons and value of such estates as shall be concealed, undervalued or omitted in the constables' returns; and if any person or persons shall find him, her or themselves aggrieved with any of the said assessments, supposing the same to be unequal, he, she or they may appeal to the commissioners aforesaid.

And the said commissioners are hereby required to meet on the said day of appeal, where the assessors shall attend and lay before the commissioners all the written certificates of the names of the taxables and the account of their estates returned by the constable as this act requires, together with the particular valuation set by the said assessors upon the persons and estates so returned; whereupon the commissioners shall take due notice thereof and may, if they think proper, examine the persons appealing upon their legal qualification concerning the cause of their appeal (which qualification they are hereby authorized to administer) and upon such examination or other proof they are hereby empowered to diminish or add to such person's rate or assessment as to them shall seem just and reasonable, with power also to call before them such persons and take notice of such estates as they find are omitted in the said assessments in order to rectify them; and if the persons so omitted refuse or neglect to appear and give an account of the value of their estates they shall be rated and assessed according to their estates by the judgment of the said commissioners, or a majority of them.

And the said commissioners upon hearing the appeals shall rectify and adjust the said assessments by abating or adding to the sums contained in the duplicates, and shall also cause their collector to give the parties concerned where omissions are supplied or additions made to their assessments five days' notice to appear before the commissioners and make their objections thereunto; and the clerk shall, within five days next after the day of appeal, deliver to the treasurer hereinafter directed to be appointed a true account of the sums total which the collector or collectors aforesaid shall be charged with pursuant to this act; and the said commissioners shall cause their clerk to draw fair duplicates of the assessments so rectified as aforesaid and deliver them to the collector or collectors to be appointed as aforesaid within five days after the said day of appeal, with a warrant annexed thereunto under the hands and seals of four or more of the said commissioners, requiring him or them forthwith to collect and receive from the persons assessed the several sums in the duplicates mentioned; and in case any person or persons so rated or assessed by virtue of this act shall neglect

or refuse to pay the sum or sums so assessed for the space of sixty days after demand made as aforesaid, it shall be lawful for the said collector or collectors by virtue of a special warrant for that purpose signed and sealed by any four or more of the said commissioners, who shall forthwith grant the same, and shall thereby empower the said collector or collectors to call to their assistance, if occasion be, any constable or other person, and in case of resistance to break open in the daytime any house, trunk, box, chest, closet, cupboard or other things where any such offender's goods, chattels or effects are supposed to be and make distress and sale thereof, rendering the overplus, if any be, to the owners after reasonable charges deducted; but if no distress can be found by the collector or collectors and the party refuses or neglects to show them goods or chattels of his own forthwith to satisfy the money due with reasonable charges, then the said assessments to be levied by imprisonment of the person so refusing or neglecting to pay as aforesaid until the same shall be paid, or on the goods and chattels of any of his tenants if such there be, and the delinquent shall be obliged to discount it out of the first rent that shall afterwards accrue from the estate rented.

Provided always, That where effects cannot be found sufficient to answer the whole sum in arrear with charges as aforesaid, then distress shall be made for so much as the effects extend to and the party be imprisoned as aforesaid only for the residue thereof with incident charges, all which charges of distress, assistance and bringing to prison shall be adjusted and settled by any four or more of the said commissioners when such occasion shall happen.

[Section XVII.] And be it further enacted by the authority aforesaid, That the said collector or collectors shall once in six weeks at least render a just and true account of and bring in and pay unto the treasurer hereinafter directed to be appointed all such sums of money as he or they shall have received, and shall pay the whole and every of the sums of money assessed in his or their duplicates within six months next after the day of appeal (such deficiencies as the said commissioners or any four of them shall allow being first deducted) and the

said treasurer shall give receipts to the collectors for what they shall so bring in and pay from time to time, which receipts shall be the collectors' discharges for so much, and the said treasurer shall from time to time signify in writing to the said commissioners how much every collector brings in and pays as aforesaid, and when the said collectors, or any of them, are negligent or refuse to do their duty in the premises the treasurer is hereby required forthwith to signify the same by way of complaint to the commissioners aforesaid.

[Section XVIII.] And be it further enacted by the authority aforesaid, That if upon complaint of the treasurer to the commissioners it shall appear that the said collector or collectors, having taken upon him or themselves the duties enjoined him or them by this act, shall refuse or neglect to pay the said sums of money which he or they shall be respectively charged to collect within the times limited by this act, every such collector so refusing or neglecting shall forfeit and pay to the treasurer the sum of five pounds, and shall also pay all the arrearages of such assessment which he was appointed to collect, to be levied by a warrant under the hands and seals of the said commissioners, or any four of them, directed to the sheriff of the city and county of Philadelphia, who is hereby authorized and empowered to execute such warrant upon the goods and chattels of such collector or collectors, and in case goods and chattels sufficient cannot be found, then to imprison such collector or collectors until payment be made, and every collector so distrained on and having made full satisfaction as aforesaid is hereby empowered without any further warrant to distrain for his own use upon all such as shall neglect or refuse to pay him the arrearages due.

And the said collector or collectors shall, for his or their trouble and service by this act required and enjoined, retain in his or their hands six pence per pound for all sums of money by him or them respectively collected; and if the said collector or collectors shall refuse or neglect to take upon him or themselves the trust and duty required of him or them, he or they shall forfeit and pay to the treasurer hereinafter mentioned the sum of five pounds; and the said assessors shall appoint some

other fit person or persons in place or stead of the collector or collectors so refusing or neglecting as aforesaid.

[Section XIX.] And be it further enacted by the authority aforesaid, That if any of the said commissioners appointed by this act or those who shall be chosen to succeed them in the said trust shall refuse or neglect to take upon him or themselves the services and duties hereby required of him or them, he or they so refusing or neglecting shall pay to the treasurer aforesaid ten pounds; or if any of the said commissioners shall happen to die during the time for which they are appointed or chosen, the other commissioners and assessors for the time being, or a majority of them, shall in every such case appoint one or more fit person or persons in place and stead of the commissioner or commissioners so refusing or dying.

And the said commissioners for the services required and enjoined them by this act shall be paid by the treasurer five shillings each for every day's attendance on that particular service, which shall be to the commissioners for the time being in full satisfaction for all the attendance and services required of them by this act.

[Section XX.] And be it further enacted by the authority aforesaid, That the said commissioners for the time being, or the major part of them, are hereby empowered and required as often as there may be occasion to choose a treasurer, which treasurer when so chosen is hereby empowered and required to receive all the money arising as well from the said assessments as also the fines and forfeitures imposed and other moneys arising by virtue of this act; and the said treasurer shall keep a distinct and fair account in a book to be provided by him for that purpose of all the rates and assessments made or to be made as aforesaid, and also of all moneys by him so received, and also of all disbursements and payments he shall make by orders from the commissioners, or any four of them, whose order to the said treasurer from time to time shall be sufficient discharges for the payment of such moneys as shall come to his hands, which orders the said commissioners, or any four of them, are hereby authorized and empowered to draw from time to time for the uses and purposes in this act mentioned and specified.

[Section XXI.] And be it further enacted by the authority aforesaid, That the said treasurer for the time being, before he enters upon the execution of his said office, is hereby required to give a bond with one or more sufficient sureties to be by them, the said commissioners, approved of in the penalty of one thousand pounds, lawful money of this province, with condition for the payment of all such moneys which shall come to his hand by virtue of this act, according to the orders drawn on him as aforesaid from time to time and not otherwise, and for the due performance of his duty in the trust hereby committed to him; and the said treasurer shall yearly bring in his accounts and settle the same with the commissioners aforesaid, or a majority of them, which said accounts so settled and adjusted shall be laid before the mayor, recorder, aldermen and grand jury of the said city at the general quarter sessions of the peace to be held for the said city in the month of January yearly, together with the books, receipts and vouchers if required, which said accounts, books, receipts and vouchers, being examined by the mayor, recorder, aldermen and grand jury aforesaid, shall be delivered back safely without alteration to the said treasurer, and a true copy of the said accounts, to be made out by the said treasurer and delivered to the court, shall be filed and kept among the records of the said court. And the said treasurer shall be allowed for his trouble in keeping such accounts and receiving and paying all such money as shall come in his hands by virtue of this act at the rate of six pence in the pound.

[Section XXII.] And be it further enacted by the authority aforesaid, That if the said treasurer shall refuse or neglect to do his duty as by this act is required, he shall be removed from his said office by any four or more of the said commissioners; and in case of such removal, or if the said treasurer shall happen to die, the commissioners, or the major part of them, shall appoint another in his place, who shall give security as hereinbefore directed, and the treasurer so removed or the executors or administrators of the said treasurer so dying shall deliver to the succeeding treasurer all books, public accounts and papers belonging to the said office whole and entire and unde-

faced, and shall likewise pay to the said succeeding treasurer all such sum and sums of money as he may have received or have been paid to him in pursuance of this act under the penalty of two hundred pounds, to be recovered in the manner and for the uses hereinafter mentioned.

[Section XXIII.] And be it further enacted by the authority aforesaid, That all the penalties, fines and forfeitures hereinbefore imposed by this act, the manner of levying and recovering of which is not before directed, if they do not exceed the sum of five pounds, shall be recovered before one of the justices of the peace of and for the said city, and shall be levied by warrant under the hand and seal of such justice or of any other justice of the peace of and for the said city to any constable of the said city directed, who is hereby empowered and required to execute the same by distress and sale of the goods and chattels of the offender; and where goods and chattels sufficient cannot be found then the party or parties offending shall be committed to the common gaol of the said city, there to remain until payment made; and if such penalties, fines and forfeitures do exceed the sum of five pounds then to be recovered by action of debt, bill, plaint or information in any county court within this province, wherein no essoin, protection or wager of law to be allowed, all which recoveries shall be had in the name of and by the treasurer aforesaid for the time being, to whom the sums recovered shall be paid, to be by him applied towards defraying and paying the charges and expenses arising by virtue of this act, to be recovered with costs of suit.

[Section XXIV.] And be it further enacted by the authority aforesaid, That in case there be any deficiency in any one year's rate or assessment to be made as aforesaid, so that all the wages and allowances for the purposes hereinbefore mentioned and other incident charges cannot be fully paid and satisfied in that year, then and in such case the deficiency so happening shall be paid out of the next succeeding year's rate or assessment; and if there shall happen to be any surplus money collected by such rates and assessments in any one year, such surplus shall be carried on to the credit of the account of the next year's rate and assessment, to be applied to such use and in

such manner as the rates and assessments to be collected as aforesaid are directed by this act to be laid out and applied.

And whereas in pursuance of the power and authority given in and by virtue of an act of assembly of this province, entitled "A supplement to the act, entitled 'An act for regulating, pitching, paving and cleansing the streets, lanes and alleys,'" etc.,¹ passed in the third year of His present Majesty's reign, the commissioners for cleansing and paving the streets of the city of Philadelphia did borrow of the commissioners nominated and appointed in and by a certain act of assembly passed in the second year of His present Majesty's reign, entitled "An act for granting to His Majesty the sum of twenty-three thousand pounds" for the purposes therein mentioned,² with [the] assent and approbation of the governor, the sum of eight thousand pounds for the uses, intents and purposes mentioned and specified in the said recited supplementary act, and gave their notes and certificates in writing for the repayment thereof:

And whereas the said sum of money so borrowed yet remains unpaid, and the act which made provision for the repayment thereof being repealed and made void by this act, it is but just and reasonable that the said lenders should be assured and secured in the disposition and application of the said moneys so borrowed to the uses, intents and purposes to and for which the same by law was given and granted to His Majesty whenever it shall become expedient and necessary:

[Section XXV.] Be it therefore enacted by the authority aforesaid, That the said eight thousand pounds so borrowed as aforesaid shall be repaid and discharged out of the moneys directed to be raised and levied in and by virtue of this act on or before the first day of May which shall be in the year of our Lord one thousand seven hundred and eighty, or if the said sum of eight thousand pounds shall be sooner demanded by the governor of this province for the time being and the said commissioners so lending the same, whenever the same shall be demanded; and that the said commissioners for cleansing and paving the streets aforesaid for the time being whenever such

¹ Passed March 4, 1763, Chapter 485.

² Passed May 14, 1762, Chapter 483.

demand shall be made as aforesaid, or at the expiration of the term before mentioned, which shall first happen, shall draw orders on the treasurer appointed or to be appointed by them payable to the provincial treasurer for the discharge and payment of the said notes and certificates until the principal sum of all and every such note and certificate shall be fully paid and discharged; but if it shall so happen that at the time when the said sum or sums of money shall be demanded as aforesaid there shall not be in the hands of the said treasurer a sufficient sum of money to satisfy and discharge the sums due on the said notes and certificates, then and in such case the said commissioners for pitching and paving the said streets shall and they are hereby authorized and empowered to borrow and receive from such person and persons as shall be ready and willing to lend and advance the same all such sums of money as shall be requisite and necessary to pay and discharge such deficiency or balance so remaining unpaid to the provincial treasurer aforesaid, which said lenders shall have and receive for the use and forbearance of their respective loans until the same shall be paid off interest not exceeding six pounds yearly for every hundred pounds so lent; and that the said lenders shall have and receive a note and certificate in writing of and for the sum lent with the interest thereof, signed by the said commissioners so borrowing the same, which said note and certificate shall be registered in a book by them to be kept for that purpose, and that the said lenders shall be paid by the said commissioners the sum or sums of money of them respectively borrowed, with the interest thereof, out of the moneys which shall arise, be collected and paid into the hands of the treasurer aforesaid in and by virtue of this act.

[Section XXVI.] And be it further enacted by the authority aforesaid, That all and every person and persons to whom any money shall be due on account of the loan last aforesaid by virtue of this act, his, her or their executors, administrators or assigns, after such note and certificate shall be registered as aforesaid, may assign, transfer and make over by proper words of assignment to be indorsed on his, her or their certificate all his, her or their right, title or interest of such note and certificate

to any other person or persons whatsoever, which assignment shall entitle such assignee or assignees, his, her or their executors, administrators or assigns, to the benefit thereof and payment thereon; and such assignee or assignees, their executors, administrators or assigns, may in like manner assign the same again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who hath or have made such assignment to make void, release or discharge the same or the moneys thereby due.

[Section XXVII.] And be it further enacted by the authority aforesaid, That the sum and sums of money which the governor of this province for the time being and the commissioners aforesaid have so lent when the same shall be repaid to the provincial treasurer as aforesaid shall be applied, disposed of and appropriated by the same persons in the same manner and to the same uses, intents and purposes as if the said moneys had never been lent, anything herein to the contrary notwithstanding.

[Section XXVIII.] And be it further enacted by the authority aforesaid, That the said commissioners shall and may, as soon as conveniently may be after the publication of this act out of the moneys arising by virtue thereof, purchase two convenient lots for landing-places on the river Delaware, one at or near each side of said city and within the same, for landing of boards, hay and other things which may be brought from time to time to the market of the same for the use of the inhabitants and citizens thereof, which said lots when so purchased shall be vested in the mayor and commonalty of the city of Philadelphia, in trust, nevertheless, to permit and suffer the mayor, recorder and aldermen of the said city, with the consent and approbation of any four of the assessors thereof for the time being, to take and receive the issues, profits and tolls of the said lots and landing-places, and to dispose of the same, with the concurrence of the assessors aforesaid, for the use, benefit and advantage of the inhabitants of the said city and for no other use, intent or purpose whatsoever; and the said commissioners are hereby further authorized and empowered to cleanse and repair the dock extending from the river

Delaware across Front street to the Second street in the said city and every part thereof in such manner as to them shall seem most convenient, useful and advantageous to the public, and for that purpose shall and may contract and agree with such person and persons as they shall think proper from time to time to be employed under their direction in the premises, and generally to agree on, execute and perform all and every other act, matter and thing which to them shall appear necessary for the effectual cleansing and repairing the said dock and every part thereof from time to time and at all times hereafter, and to defray the expense thereof out of the moneys directed to be assessed, levied and raised by this act.

[Section XXIX.] And be it further enacted by the authority aforesaid, That if any person or persons shall after the publication of this act cast or throw down out of any cart, wagon or other carriage any rubbish, dirt or earth in any public street, lane or alley of the city of Philadelphia, save only in such parts and places as shall be appointed and agreed on by the said commissioners for pitching and paving the said streets, every such person or persons shall forfeit and pay for every such offense the sum of five shillings and pay the costs of removing the same; and if any person or persons save the said commissioners shall destroy, remove or pull down any bar, chain, rope or fence which the said commissioners shall hereafter cause to be set up in or across the said streets, lanes or alleys for the preservation of the pavements then newly made or to be made, every such person who shall offend in the premises shall forfeit and pay the sum of three pounds for every such offense.

And whereas the paving the streets of the city of Philadelphia hath been attended with a great expense to the inhabitants thereof and it is necessary that due care be taken to preserve the pavements already made and those which shall hereafter be made from any and every avoidable and unnecessary injury:

And whereas nothing can be more destructive to pavements of any kind and particularly to those newly made than the carrying large and excessive weights and burdens in carriages the fellies of the wheels whereof are of small breadth, whereby

the stones of such pavements are loosened and torn up and the pavements themselves in a great measure ruined and destroyed:

For remedy whereof:

[Section XXX.] Be it enacted by the authority aforesaid, That no wagon, wain or cart whatsoever belonging to any person or persons whatsoever residing or inhabiting within the said city of Philadelphia or within the Northern Liberties thereof or within the district of Southwark or the township of Moyamensing or Passyunk shall travel, pass or be drawn on any of the paved parts of the said city with any greater number of beasts of draught than three if a four-wheel carriage, and if a two-wheel carriage with any greater number of beasts of draught than two, unless the fellies of such wheels shall be of the breadth or gauge of four inches from side to side at the least; and that no such wheel carriage belonging to persons residing in the places aforesaid shall travel, pass or be drawn in the said city with or by any number of oxen or horses whatsoever unless the fellies of the wheels thereof shall be of the breadth or gauge of four inches from side to side at the least (carts with one horse, stage and light traveling wagons for passengers excepted), and that every owner or owners of such wheel carriage which shall pass, or be drawn in the said city contrary to the directions, tenor, true intent and meaning of this act shall for every such offense forfeit and pay the sum of five pounds, to be recovered as debts not exceeding five pounds are by law directed to be recovered, or otherwise shall forfeit any one of the beasts of draught drawing such wheel carriage (excepting the shaft or thill horse) together with the gears, bridle, halter and other accoutrements to such beast of draught belonging.

[Section XXXI.] And be it further enacted by the authority aforesaid, That the person or persons making such seizure or distress as aforesaid shall deliver the horse or ox so seized and distrained with the accoutrements aforesaid into the custody of some one of the constables of the said city, and every such constable is hereby required to take and receive and safely keep the same till the person or persons making such seizure or distress shall make proof upon oath or affirmation before some

justice or justices of the said city of the offense committed; and the said justice or justices before whom such proof shall be made to their satisfaction is and are hereby empowered and required to issue his or their precept to such constable to sell and dispose of the beast so forfeited with the accoutrements aforesaid at public auction or vendue, first giving due notice of such sale; and the money arising therefrom the said constable shall pay one moiety thereof to the party or parties so seizing or distraining the said beast, and the other moiety to the said commissioners to be applied towards paving the said streets, after deducting from the whole such reasonable charges as the said justice or justices shall allow and direct; but in case no such proof shall be made within twenty-four hours next after such seizure, that then such beast shall be returned to the owner or owners thereof without any costs or expenses.

[Section XXXII.] And be it further enacted by the authority aforesaid, That if any person or persons shall hinder, prevent or obstruct the measuring or gauging of the fellies of such wheels or the seizing or distraining of any horse or beast of draught hereby directed to be forfeited, or shall use any violence to any person or persons who shall attempt to measure and gauge the said fellies or to seize or distrain such beast as aforesaid, every such person or persons so offending shall for every such offense forfeit and pay the sum of ten pounds, being thereof legally convicted in any court of quarter sessions of the peace in and for the said city.

Provided always nevertheless, That if it shall appear that the fellies of such wheels were originally made of the full breadth prescribed and directed by this act, and to have become less by the wear or use thereof, except the same shall be less than three inches and one-half wide, the penalties and forfeitures hereby imposed on the owner or owners thereof shall not be incurred nor the same recovered in manner aforesaid or in any other manner whatsoever.

[Section XXXIII.] Provided also and be it enacted by the authority aforesaid, That nothing in this act contained shall be deemed, held or construed to debar or prevent any person or persons residing within the said city, district or townships

from transporting in his, her or their wagon, wain or cart for his, her or their own proper use but not for hire any matters or things whatsoever with two beasts of draught only (except stones, bricks, lime, loam, sand, gravel, iron, lead, cord-wood, coal, scantling, timber and boards), provided such matters and things do not exceed in any one load half a ton weight, on or through any of the paved parts of the said city and with any greater number of beasts of draught within or through any other parts of the said city not paved, although the fellies of the wheels of such wagon, wain or cart be not of the dimensions aforesaid, anything in this act contained to the contrary notwithstanding.

[Section XXXIV.] And be it further enacted by the authority aforesaid, That no dray or other carriage used for the transportation of merchandise from one part of the city to another by any porter or drayman shall travel, pass or be drawn on the paved parts of the said city unless the fellies of the wheels of such dray or other carriage shall be of the breadth or gauge of four inches at the least from side to side, under the penalty of five pounds, to be paid by the owner of such dray or other carriage and to be recovered as debts not exceeding five pounds are directed by law to be recovered, one moiety thereof to the person who shall sue for the same, and the other moiety thereof to the commissioners for cleansing and paving the streets, to be applied to the paving of the same.

[Section XXXV.] And be it further enacted by the authority aforesaid, That every wagoner and carter employed to haul wood for the inhabitants of the said city, district of Southwark and townships aforesaid, shall have in his said wagon or cart of his own property a sufficient number of hewn standards for preventing the wood from falling off from his carriage marked with the initial letters of his Christian and surnames on the outer side of the said standards, under the penalty of five shillings, and that if any wagoner or carter shall take and appropriate any wood belonging to any of the inhabitants aforesaid which he shall be hired to haul and shall apply or appropriate the same to his own use or shall not deliver it to the true owner or purchaser thereof, every such person so offending

shall forfeit and pay two shillings for every stick or piece of wood so appropriated or detained to the owner or purchaser thereof, being first legally convicted of the said offense before any justice of the peace of the city or county of Philadelphia.

Provided also, That if any person or persons shall conceive him, her or themselves aggrieved by any judgment to be given by virtue of this act, if the same shall exceed the sum of forty shillings or the value thereof, it shall and may be lawful for such person or persons within the space of six days next after the giving such judgment, but not after, to appeal therefrom to the next court of common pleas to be held for the said county, he, she or they first entering into recognizance with at least one sufficient surety in such a sum as shall be sufficient to answer the said penalty or value of the thing forfeited, together with all such costs as shall be awarded, to prosecute the said appeal with effect and to abide the order and judgment of the said court, which said court is hereby authorized and required to accept and receive the said appeal and to proceed therein according to the usage and practice in cases of appeals for debts above forty shillings and not exceeding five pounds.

And whereas great complaint is made by divers inhabitants of the city and suburbs of Philadelphia that distillers, soap-boilers and others frequently discharge large quantities of foul and stinking liquors, the returns from their stills and boiling vessels, on the adjacent grounds or into the kennels of the public streets, lanes or alleys, to the great annoyance of the inhabitants, or by discharging the same into wells, vaults or sinks dug for that purpose have injured if not totally ruined their neighbor's waters; and that there are a variety of other nuisances in and near the said city, to the great annoyance and damage of the inhabitants:

To prevent which inconveniences and damages:

[Section XXXVI.] Be it enacted by the authority aforesaid, That if any distiller, soap-boiler or tallow-chandler within the said city, district of Southwark or built parts of the Northern Liberties shall, after the publication hereof, by themselves, their agents, journeymen or servants, presume to discharge out of or from any still-house or workshop foul and nauseous liquor

of any kind whatsoever into or upon any adjacent ground or into any well, vault or sink within the said city, district or township, every person so offending and being thereof legally convicted in the court of quarter sessions of the peace held for the said city or county respectively shall for every such offense forfeit and pay the sum of twenty pounds.

And the more effectually to preserve the waters in the said city, district of Southwark and Northern Liberties wholesome and fit for use:

[Section XXXVII.] Be it enacted by the authority aforesaid, That the commissioners by law appointed for paving the streets of the said city and supervisors of the district of Southwark and township of the Northern Liberties respectively, with the assent of the mayor or recorder and any two aldermen of the said city, or any two magistrates of the county of Philadelphia aforesaid, shall limit, direct and appoint the depth of all vaults, wells and sinks hereafter to be dug in the built parts of the said city, district or township for privies or necessary houses, which regulation, being so made as aforesaid, shall be advertised in one at least of the newspapers of the said city and then deposited in the hands of the clerk of the court of quarter sessions for the city and county of Philadelphia, subject to the inspection of any inhabitant of the city, district and township aforesaid applying for that purpose; and that if any person or persons shall dig or cause to be dug any such vault, well or sink for privies or necessary houses of any greater depth than shall be limited and appointed as aforesaid, every [such] person or persons so offending and being thereof legally convicted as aforesaid shall forfeit and pay the sum of twenty pounds, and the person or persons employed in digging the same shall forfeit the sum of ten pounds.

[Section XXXVIII.] And be it further enacted by the authority aforesaid, That if any distiller, soap-boiler or tallow-chandler within the said city, district or township shall as aforesaid discharge any foul or nauseous liquor from any still-house or workshop so that such liquor shall pass into or along any of the streets, lanes and alleys of the said city, district or township, or if any soap-boiler or tallow-chandler shall keep, collect

or use or cause to be kept, collected or used in any of the built parts of the city, district or township aforesaid any stale, putrid or stinking fat, grease or other matter or if any butcher shall keep at or near his slaughter-house any garbage or filth whatsoever so as to annoy or offend any neighbor or any person whatsoever, he, she or they so offending and being thereof convicted before any justice of the peace of the said city or county respectively shall forfeit and pay for every such offense the sum of thirty-five shillings.

[Section XXXIX.] And be it further enacted by the authority aforesaid, That if any person or persons shall after the publication hereof presume to cast, carry, draw out or lay any dead horse or other dead carcass of cattle, sheep, hog or dog, or any excrement or filth from vaults, privies or necessary houses, and shall leave such carcass, carrion or filth without burying the same a sufficient depth in the ground on any part of the commons of the said city or on or near any of the streets, lanes, alleys or highways within the said city, district or township adjoining the same, every person or persons so offending and being convicted thereof before any justice of the peace of the city or county of Philadelphia respectively shall forfeit and pay for every such offense the sum of thirty shillings.

[Section XL.] And be it further enacted by the authority aforesaid, That if any person or persons shall, after the publication hereof, cast, throw or lay any carcass, carrion or filth whatsoever or any dirt, rubbish or other annoyance or obstruction whatsoever into the public watercourse of the said city, commonly called The Dock, and shall thereof be convicted before any justice of the peace of the said city as aforesaid, every such offender shall for every such offense forfeit and pay such a sum of money not exceeding forty shillings as the said justice before whom the offender shall be convicted shall think reasonable.

And whereas by late extraordinary encroachments of cellardoors, steps and porches made in the streets of the said city, of jut-windows, bulks and other encumbrances, the said streets are greatly obstructed; and by a number of spouts or gutters set at the eaves of pent-houses and other places in the said

streets large collections of water are discharged in rainy seasons on persons passing near the same:

[Section XLI.] Be it therefore further enacted by the authority aforesaid, That if any person or persons shall hereafter make and set up or shall cause to be made and set up in any street of fifty feet wide or upwards within the said city any porch, cellar-door or step which shall extend beyond the distance of four feet three inches into such street or a proportionate distance into any narrower street where the same shall be made or set up, and if any person or persons shall hereafter make and set up or cause to be made and set up any bulk, jut-window or encumbrance whatsoever, whereby the passage of any street shall be obstructed, or shall so place or cause to be placed any spout or gutter whereby the passage of any street shall be incommoded, every person offending and being legally convicted thereof before any justice of the peace of the said city shall for every such offense forfeit and pay the sum of thirty shillings, and shall forthwith remove or cause the said nuisance to be removed.

[Section XLII.] And be it enacted by the authority aforesaid, That the owner or owners of any house within the said city, having at the publication hereof any porch, cellar-door or step extending into any street beyond the limitation aforesaid or having fixed or fastened to such house any bulk, jut-window or other encumbrance whatsoever, shall yearly and every year pay to such person or persons as shall be appointed by the commissioners for paving the streets to receive and collect the same such sum or sums of money as the said commissioners and the assessors of the said city shall assess and settle as a full compensation to the public until such porch, cellar-door or step to him, her or them respectively belonging shall be reduced to the limits aforesaid, or such bulk, jut-window or other encumbrance shall be removed or taken away, and every owner or owners of any house or houses whereunto any spout or gutter shall at the time of the publication hereof be so fixed and placed that the waters thereby discharged may incommode persons passing the said streets shall and they are hereby enjoined and required forthwith to remove or effectually to alter and amend the same.

[Section XLIII.] And be it further enacted by the authority aforesaid, That if any person or persons shall hereafter set up or place any sign, sign-post, board, pole or other device or thing whatsoever (except such persons as shall keep a public inn for the entertainment of travelers with their horses) to denote or show his, her or their place of residence or his, her or their occupation or business, or the merchandise or things which he, she or they hath or have to dispose of in any of the streets, lanes or alleys of the city of Philadelphia, or which shall extend from his, her or their dwelling into the said streets, lanes or alleys, or if any person or persons (except as before is excepted) to whom any sign, sign-post, board, pole or other device or thing aforesaid already set up and placed as aforesaid shall permit or suffer the same to remain set up and placed in any of the said streets, lanes or alleys or to extend into the same after the first day of January next ensuing the publication of this act, every such person or persons being thereof legally convicted before any justice of the peace of the said city shall forfeit and pay the sum of five pounds to be paid to the said commissioners and by them to be applied to the paving and cleansing the said streets, and the said commissioners are hereby authorized, empowered and required to take down and remove all and every such sign, sign-post, board, pole and other device and thing aforesaid (except as is before excepted) which they shall find so set up and placed in the said streets, lanes or alleys or extending as aforesaid into the same after the said first day of January next ensuing. And the said commissioners are hereby further authorized and empowered to remove or cause to be removed all manner of obstructions to the passage through the said streets which they shall find remaining in the same an unnecessary length of time.

Provided always nevertheless, That nothing herein contained shall be deemed, taken or construed to prevent any person or persons to set up or place any such sign, sign-board, pole or other device or thing aforesaid against the walls of their several dwellings, so that the same shall not project or extend into the said streets, lanes or alleys more than six inches.

Provided also, That if any person or persons be sued or prose-

cuted for anything done in pursuance of this act, he, she or they may plead the general issue and give this act and the special matter in evidence for their justification, and if the plaintiff or prosecutor become nonsuit or suffer a discontinuance, or if a verdict pass against him, the defendant shall have treble costs, to be recovered as in cases where costs by law are given to defendants.

[Section XLIV.] And be it further enacted by the authority aforesaid, That the one-half of all fines and forfeitures arising by this act in the city of Philadelphia not hereinbefore appropriated shall be paid to the informer, or the person or persons that shall sue for the same, and the other half thereof shall be paid to the treasurer appointed by the commissioners for cleansing and paving the streets of the said city, to be applied towards paving and cleansing the streets of the said city; and that one-half of all fines, penalties and forfeitures aforesaid so as aforesaid incurred for any offenses committed out of the said city shall be paid to the supervisors of the highways of the respective district or township where the offense was committed and applied to the repair of the highways of such district or township, and the other half to the person or persons who shall give information of the offense.

[Section XLV.] And be it further enacted by the authority aforesaid, That the act of assembly passed in the second year of His present Majesty's reign, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia, and for raising of money to defray the expenses thereof;"¹ one other act of assembly passed in the third year of His present Majesty's reign, entitled "A supplement to the act, entitled 'An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia and for raising of money to defray the expense thereof;'"² one other act of assembly passed in the

¹ Passed March 26, 1762, Chapter 480.

² Passed March 4, 1763, Chapter 485.

sixth year of His present Majesty's reign, entitled "A supplement to the act, entitled 'A supplement to the act, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys of the city of Philadelphia,"'"¹ one other act of assembly passed in the seventh year of His present Majesty's reign, entitled "An act for amending the act, entitled 'A supplement to the act, entitled "A supplement to the act, entitled 'An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia and for raising [of] money to defray the expense thereof,'"'"² and one other act passed in the third year of His present Majesty's reign, entitled "An act to prevent and remove certain nuisances in and near the city of Philadelphia,"³ and every article, clause and thing in the said several acts of assembly contained shall be and they are hereby declared to be repealed, null and void to all intents and purposes whatsoever.

Passed February 18, 1769. Referred for consideration by the King in Council, February 26, 1770, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVII, Section I, and the Acts of Assembly passed September 29, 1770, Chapter 615; September 30, 1779, Chapter 849; March 11, 1789, Chapter 1394; April 2, 1790, Chapter 1509; February 2, 1854, P. L. 21; June 1, 1885, P. L. 37.

As to Sections I-IV, see the Acts of Assembly passed March 14, 1777, Chapter 746; March 11, 1789, Chapter 1394; April 2, 1790, Chapter 1509; February 2, 1854, P. L. 21; April 21, 1855, P. L. 264; May 1, 1861, P. L. 565; April 1, 1864, P. L. 187; April 18, 1867, P. L. 1303; March 13, 1868, P. L. 316; March 18, 1869, P. L. 393; April 10, 1869, P. L. 828; March 24, 1870, P. L. 546; May 27, 1871, P. L. 1285; March 28, 1872, P. L. 609; May 23, 1874, P. L. 230; March 17, 1875, P. L. 64; June 8, 1881, P. L. 68.

As to Sections V-VII, see the Acts of Assembly passed March 14, 1777, Chapter 746; March 18, 1780, Chapter 900; February 2, 1854, P. L. 21; April 21, 1855, P. L. 264; April 8, 1864, P. L. 324; March 27, 1865, P. L. 791; March 30, 1866, P. L. 354; May 8, 1866, P. L. 1074; April 10, 1867, P. L. 1111; April 20, 1869, P. L. 1190; April 28, 1873, P. L. 854; May 10, 1873, P. L. 880.

As to Section VIII, see the Acts of Assembly passed April 4, 1866, P. L. 435; March 18, 1869, P. L. 397.

¹ Passed February 8, 1766, Chapter 537.

² Passed February 21, 1767, Chapter 554.

³ Passed March 4, 1763, Chapter 434.

As to Sections IX-XI see the Act of Assembly passed April 28, 1873, P. L. 854.

As to Sections XIII-XXIV, see the Acts of Assembly passed March 9, 1771, Chapter 622; September 30, 1779, Chapter 849; February 9, 1785, Chapter 1129; April 2, 1790, Chapter 1509; March 25, 1805, P. L. 160; April 23, 1829, P. L. 301; June 11, 1879, P. L. 130.

As to Section XXVIII, see the Acts of Assembly passed May 20, 1891, P. L. 95; June 8, 1891, P. L. 209; June 3, 1893, P. L. 283.

As to Sections XXX-XXXV, see the Act of Assembly passed April 5, 1799, Chapter 2057.

As to Sections XXXVI-XL, see the Acts of Assembly passed March 16, 1809, P. L. 51; April 1, 1826, P. L. 171; May 29, 1840, P. L. 749; February 3, 1848, P. L. 18; April 5, 1849, P. L. 346; April 12, 1853, P. L. 369; March 16, 1855, P. L. 89; May 2, 1855, P. L. 391; May 16, 1857, P. L. 533; December 5, 1860, P. L. (1861) 845; March 22, 1865, P. L. 564; April 3, 1866, P. L. 418; May 1, 1879, P. L. 44.

As to Sections XLI-XLII, see the Acts of Assembly passed April 15, 1782, Chapter 982; March 24, 1832, P. L. 176; April 16, 1838, P. L. 626.

As to Section XLIII, see the Acts of Assembly passed April 16, 1838, P. L. 626; March 11, 1850, P. L. 158.

CHAPTER DXCV.

AN ACT FOR EXPLAINING AND AMENDING AN ACT, ENTITLED "AN ACT FOR GRANTING THE SUM OF SIXTY THOUSAND POUNDS TO THE KING'S USE, AND FOR STRIKING FIFTY-FIVE THOUSAND POUNDS THEREOF IN BILLS OF CREDIT AND TO PROVIDE A FUND FOR SINKING THE SAME." ¹

Whereas by an act of general assembly of this province passed in the twenty-ninth year of the reign of His late Majesty George the Second, entitled "An act for granting the sum of sixty thousand pounds to the King's use, and for striking fifty-five thousand pounds thereof in bills of credit and to provide a fund for sinking the same," ¹ and in divers other subsequent acts of assembly it was, among other things, declared and enacted that all located and unimproved lands should be rated towards sinking the bills of credit by the said several acts granted to His Majesty:

And whereas divers owners of the said located and unimproved lands have neglected or refused to pay the rates and

¹ Passed November 27, 1755, Chapter 406.