

direction and approbation of the said judges or justices being in like manner first had and obtained; and that this act continue and be in force for the space of five years and from thence to the end of the next sitting of assembly and no longer.

Passed March 23, 1776. Probably not submitted to the Crown for action. See Appendix XXXIII, and the Acts of Assembly passed December 20, 1777, Chapter 769; April 1, 1778, Chapter 798; August 19, 1778, Chapter 801. Expired.

CHAPTER DCCXIX.

AN ACT TO CONTINUE PART OF AN ACT MADE IN THE ELEVENTH YEAR OF THE REIGN OF HIS PRESENT MAJESTY KING GEORGE THE THIRD, ENTITLED "AN ACT FOR REGULATING AND CONTINUING THE NIGHTLY WATCH, ENLIGHTENING THE STREETS, LANES AND ALLEYS OF THE CITY OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED," AND FOR MAKING FURTHER PROVISION FOR THE BETTER EXECUTING THE SAID ACT.¹

Whereas an act made in the eleventh year of the reign of His present Majesty King George the Third, entitled "An act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia and for other purposes therein mentioned,"¹ will soon expire by its own limitation:

And whereas the continuance of the said act with some curity of the inhabitants of the said city:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, 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 said act and every clause, matter and thing therein contained (except only where the same is hereby altered and varied) be and is hereby declared to be in full force and made perpetual.

¹ Passed March 9, 1771, Chapter 636.

And for the remedying such defects and inconveniences as have appeared in the execution of the said act:

[Section II.] Be it enacted by the authority aforesaid, That so much of the said act as relates to an allowance of seven shillings and six pence per annum to such persons as keep pumps in their respective yards be discontinued and from and after the publication hereof do cease and determine. And if it shall happen that any such pump shall be used on any public occasion of fire or otherwise and any damage or injury shall be sustained by the owner thereof in his fences, buildings or yards, or such pump shall be damaged thereby, it shall and may be lawful for the said wardens and they are hereby required to repair the same or compensate the owner or occupier thereof for such damage out of the money raised by virtue of this act. And also that so much of the said act as limits the rate of the assessment made by virtue of the said act so as that it shall not exceed the value of five pence in the pound for any one year do in like manner cease and determine and that it shall and may be lawful for the said assessors from and after the first day of October next to increase and enlarge the said rate if necessary, so as the same shall not in any one year exceed the value of six pence in the pound.

And whereas difficulties and inconveniences have arisen from the inaccuracy and irregularity of the returns made by the several constables in order to lay the assessment directed by the said act, and it is also represented that the time allowed for such service is too short:

For remedying whereof:

[Section III.] Be it enacted by the authority aforesaid, That from and after the first day of October next such returns or certificates of the taxables in the respective wards of the said city shall be made by one intelligent freeholder to be chosen for that purpose out of each ward of the said city at the same time, in the same manner and by the same persons as the inspectors for holding annual elections now are, whose names when so chosen shall be returned in writing to the wardens under the hands of the constables and two or more of the electors on or before the first day of October next following by the constable of the said ward,

which said freeholders are hereby required and enjoined under the like qualifications, to be administered by any of the said wardens as by the said act were directed to be administered to the constables in such case, to do and perform the several duties, acts, matters and things as by the said act the several constables of the said city were heretofore required and directed to do so far as the same relates to making true and fair certificates of the taxables in the respective wards, which said freeholders shall be entitled to receive from the treasurer of the said wardens four shillings and six pence per day for their care and trouble in executing and performing the said service.

[Section IV.] And be it further enacted by the authority aforesaid, That if any of the said freeholders so chosen and appointed for the above purposes shall refuse or neglect to take upon him or themselves the said office, or to do and perform the services and duties hereby required of him or them, he or they so refusing or neglecting shall pay to the said treasurer the sum of five pounds, to be recovered in the same manner and applied to the same uses as the other penalties and fines in and by the said act imposed, limited and directed.

[Section V.] Be it also enacted by the authority aforesaid, That if at any time hereafter there shall be any neglect or omission in choosing the said freeholders or any of them, or if being so chosen they or any of them shall neglect or refuse to take upon him or themselves the said office or to do and perform the service to be by them done and performed by virtue of this act, that then and in every such case the said wardens may and shall until a succeeding election appoint suitable and proper persons as the occasion may require to perform the said service, which persons when appointed shall have the same powers, be under the same restrictions and subject to the same penalties as if such person or persons had been regularly chosen and elected as aforesaid.

[Section VI.] Be it also enacted by the authority aforesaid, That the time for making and returning the certificates of the taxables by the said act directed to be extended to the term of ten days next after the date of the precept issued by the wardens for that purpose.

And whereas there is no provision made by the said act in case any of the [said] wardens, assessors or freeholders should remove from this city and thereby become incapable to perform the several duties of their respective offices:

For remedy whereof:

[Section VII.] Be it enacted by the authority aforesaid, That if any of the said wardens, assessors or freeholders shall happen to remove during the time for which they are so chosen or appointed out of this province or to a greater distance from the city of Philadelphia than three miles, the wardens 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 the place and stead of such warden or wardens, assessor or assessors, freeholder or freeholders, so removing as aforesaid in the same manner as if such warden, assessor or freeholder was deceased or had refused to execute the said office.

Passed April 6, 1776. Probably not submitted to the Crown for action. See Appendix XXXIII, and the note to the Act of Assembly passed March 9, 1771, Chapter 636.

CHAPTER DCCXX.

AN ACT TO CONTINUE AN ACT, ENTITLED "AN ACT TO REGULATE THE FISHERY IN THE RIVER SCHUYLKILL,"¹ AND TO MAKE FURTHER PROVISIONS THEREIN.

Whereas the act, entitled "An act to regulate the fishery in the river Schuylkill,"¹ passed in the eleventh year of His present Majesty's reign, is near expiring by its own limitation:

And whereas the said act has been found by experience to be of public utility:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Gov[ernor] and Commander in Chief of the Province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said Province in General

¹ Passed March 9, 1771, Chapter 621.