

by the authority aforesaid, That the true intent and meaning of the proviso in this act contained is and the same shall be so taken and construed, that no person whatever, whether he or she be qualified according to this act or not, shall expose to sale in any of the public market places within the city of Philadelphia, the district of Southwark or the township of the Northern Liberties, or any of the county towns or boroughs within this state, or in the open streets or highways thereof, except at the times appointed by law for holding fairs therein, any goods, wares or merchandise other than the growth, produce and manufacture of this or the adjoining states, under the penalty of ten pounds to be recovered in the manner and for the uses in this act contained.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the act of general assembly entitled "An act for regulating peddlers, vendues, &c,"¹ passed on the fourteenth day of February, which was in the year of our Lord one thousand seven hundred and twenty-nine (thirty) so far as the same relates to peddlers, hawkers and petty chapmen, be, and the same is hereby repealed.

Passed March 30, 1784. Recorded L. B. No. 2, p. 291, etc. See the Acts of Assembly passed February 14, 1729-30, Chapter 308; March 28, 1799, Chapter 2038, and the note to the Act of Assembly passed December 9, 1783, Chapter 1063.

CHAPTER MXCI.

AN ACT FOR CONTINUING THE ARCH OVER THE PUBLIC COMMON SEWER OF THE CITY OF PHILADELPHIA THROUGH THE MIDDLE OF THE DOCK, AND COVERING THE SAME WITH EARTH FROM WALNUT STREET TO THE FOOT BRIDGE, AND FOR RAISING A FUND FOR DEFRAYING THE EXPENSES THEREOF, AND FOR OTHER PURPOSES.

(Section I, P. L.) Whereas the space occupied by the north-western branch of the dock, and the streets on each side thereof, was by agreement between the first proprietary and the settlers

¹ Passed February 14, 1729-30, Chapter 308.

to whom the adjacent ground fell by lot upon the partition of the city left open as well with the views of public benefit, by reserving a body of water in the city to extinguish fires, to keep open a drain for the land floods and for landing places; as to private advantage by increasing the value of the remaining parts of the said lots by the contiguous situation of the said dock:

And whereas divers attempts have been made, as well at the expense of the owners of the said adjacent lots, as of the public to keep the said dock in such order as to answer the ends originally intended, but it has been found by experience that the expense of cleaning the same and keeping it in such order is vastly greater than all the public and private benefits resulting from the landings thereon:

And whereas the drain through the said dock into the river is by the manner of regulating the streets of the city became absolutely necessary to carry off the floods which would otherwise overflow the most populous and central parts thereof, and by means of the filth and rubbish which are carried by the rains from all quarters of the city into the dock, the same is nearly filled up and has become a grievous nuisance dangerous to the health of the inhabitants and requires a speedy remedy:

To remedy therefore these mischiefs:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners for paving the streets of the city of Philadelphia shall, and they are hereby authorized and required, with all convenient expedition to employ the necessary laborers, workmen and artificers, and to provide all requisite materials, and to cause a good substantial arch of brick founded on strong stone walls, and floored with plank or logs at least five inches thick to be erected and turned along the middle or near the middle of the dock, which arch shall be at least nine feet wide and of a height sufficient to give vent to the waters, and shall begin at the end of the present common sewer at Walnut street and be extended southeastward to the main branch of the dock adjoining the public land-

ing, and shall cause the earth over the same to be levelled so as to form a public street or highway, which shall forever hereafter be and remain open for the public use, and shall be called and known by the name Dock street.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the regulators of the city of Philadelphia shall have power to determine all disputes with the adjacent land owners concerning the width of the said Dock street, and the commissioners aforesaid shall remove nuisances and obstructions therein and generally exercise the same authority in all things touching the same as by the laws of this commonwealth they already have or hereafter may have touching the other streets, lanes and alleys of the city of Philadelphia.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the expenses attending the making the said common sewer, covering the same with earth and making and regulating the said street shall be raised, levied, collected and defrayed in the same manner as the moneys are by law to be raised, levied and collected for defraying the expense of regulating, pitching, paving and cleansing the streets of the said city.

(Section V, P. L.) And whereas the inhabitants of that part of Market and Fourth streets which is subject to a flood of water collected from various parts of the city in times of heavy rains, in so much that the cellars are frequently overflowed, have sustained loss of effects and detriment to their health occasioned by putrid exhalations from the same, in the most sickly seasons, and the conduit being proved not large enough to carry off the redundant water, the nuisance is aggravated as the city increases and the streets are regulated: And whereas it is just and reasonable that the said inhabitants should be relieved:

For remedy whereof:

[Section IV.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That the said street commissioners be and they are hereby authorized and empowered to enlarge the arch from Market or High street, where it may be requisite to allow

a free passage for the redundant water, in such manner as shall remedy the evil aforesaid effectually.

[Section V.] (Section VII, P. L.) Provided always, That the moneys raised or to be raised for the purposes aforesaid shall not exceed the sum of five thousand pounds.

Passed March 30, 1784. Recorded L. B. No. 2, p. 298, etc. See the Act of Assembly passed September 1, 1784, Chapter 1106.

CHAPTER MXCII.

AN ACT TO REGULATE THE FISHERIES IN THE RIVERS DELAWARE AND LEHIGH, AND FOR THE PRESERVATION OF THE FISH IN THE SAID RIVERS.

(Section I, P. L.) Whereas it is represented to this house by petition from a number of the inhabitants of Northampton county, that it hath become a common practice to fish in the rivers Delaware and Lehigh with divers seines or nets in the same pool or fishing place, so that the shad and other fish are in a great measure prevented from running up the said rivers to the places where they usually spawn; whereby their numbers are too much diminished and the inhabitants of this state dwelling near the upper parts of the said rivers, are deprived of a reasonable proportion of such fish:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, no more than one seine or net shall be cast, drawn or made use of, by any person or persons whatsoever in any one pool or fishing place in the said rivers or either of them or any part thereof within the jurisdiction of this commonwealth, within any one term of twenty-four hours, to begin from twelve of the clock at noon, and to continue until the same