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by the name of "The Bailiff, Burgesses and commonalty of Germantown, in the county of Philadelphia, in the province of Pennsylvania," and, among other powers and authorities, grant unto the said corporation a right to hold Courts of Record: And whereas the said persons did assume on themselves, and exercise the said powers and authorities, and held the said Courts of Record, until the year one thousand seven hundred and seven, and afterwards, and ever since, have altogether ceased from the exercise thereof, or any of them: And whereas, during the exercise of the said powers and authorities, divers judgments given, and orders and regulations made in pursuance thereof, were entered on record, and sundry deeds, conveyances and other writings, were recorded in the books of the said corporation; and it is expedient and necessary, for the benefit and security of the persons, whose interest and estates are concerned in the preservation of the said records, that they should be deposited in the care of a proper officer, legally authorized to give exemplifications and copies thereof: *Be it therefore enacted*, That the said books shall, immediately after the publication hereof, be deposited in the office for recording of deeds in the county of Philadelphia. And the record or entry of any such judgment, order or regulation, and of all deeds, conveyances and other writings, in the same books contained, or exemplifications or copies thereof, being examined by the Recorder of Deeds for the city and county of Philadelphia, and certified under his hand and seal of office, which he is hereby enjoined to put and affix thereto, shall be allowed, deemed and taken, and are hereby declared to be as good evidence, and as valid and effectual in law, as the originals themselves, and the same may be pleaded, given in evidence, and made use of accordingly.

Exemplifications, &c certified by the Recorder to be valid.

Passed 18th February, 1769.—Recorded A. vol. V. page 324.

#### CHAPTER DXCIV.

*An ACT for regulating, pitching, paving and cleansing, the highways, streets, lanes and alleys; and for regulating, making and amending the water courses 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; *Be it enacted*, 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

Names of the Commissioners.

Time of their con-

offices until the second day of **October** next: and that **Thomas Tisbury** 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, *Be it further enacted*, 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 said 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.*

**II.** *And be it further enacted*, That the said **Commissioners**, or a majority of them, as soon as conveniently may be after the pub-

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termining in office, See chap. 1383. §. 34. The office of Commissioners abolished. See note at the end of this act.

Manner of choosing two Commissioners yearly, &c.

Commissioners qualification.

Commissioners to

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meet and  
consult re-  
specting the  
best method  
of paving  
the  
streets, &c.

lication 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.

Mayor or  
Recorder,  
&c. to meet  
the Com-  
missioners,  
and agree  
which of  
the streets  
shall be  
first paved.

III. *And be it enacted,* 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.

Who are  
to direct  
the descent  
of water  
courses, &c.

IV. *And be it enacted,* 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 water course. *Provided always,* That no common sewer or water course, 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 monies arising by virtue of this act.

And regulate  
the common  
sewers.

V. *And be it further enacted,* 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 Commis-

sioners 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.

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**VI.** *And be it enacted,* That if any person or persons whatsoever shall wilfully 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 offence, any sum, not exceeding the sum of twenty-five pounds.

Penalty on persons obstructing the common sewers.

**VII.** *And be it enacted,* 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 cart-way 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 offence.

Commissioners to employ scavengers, &c.

**VIII.** *And be it further enacted,* 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 cart-way the dirt, soil, and other filth, to be found on the brick pavement or foot-way 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.

Occupiers of houses and lots, sextons, &c. to cause their brick pavements to be swept weekly.

**IX.** *And be it further enacted,* 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 offence; 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; *Provided always, and be it*

Penalty on persons laying shavings, ashes, dung, &c. on any pavement.

1769. *enacted*, That every such person having such mud, dung, ashes or other filth, so to be carried off, shall pay to every 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 house-keeping, 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.

Assessment of non-resident owners to be paid by the tenant, who may deduct the same out of his rent, &c.

X. *And be it enacted*, 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 foot-way 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 foot-way 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 cart-way 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 foot-way 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 monies 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.

Commissioners, &c. to meet and estimate the necessary sums yearly.

XI. *And for defraying the expenses and charges arising by virtue of this act, Be it enacted*, 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.

And issue precepts to the constables.

XII. *And be it further enacted*, 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, favour 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 rateable by virtue of this act, and shall forthwith equally and impartially assess themselves, and all others rateable 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 merchandize for sale in the said city, shall, for such goods and merchandize, be rated in proportion to the said inhabitants: And the said Assessors, for their time and labour 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 herein after 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.

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bles, to bring in certificates of all persons residing within their wards, &c.

XIII. *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 qualification 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 favour or affection, nor grieve any*

Assessments not to exceed three pence in the pound, &c.

1769. *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.*

Commissioners and Assessors to appoint a clerk.

XIV. *And be it further enacted, 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.*

Assessors to appoint fit persons to be Collectors.

XV. *And be it further enacted, 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 pro-*

per, 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, herein after 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 day time, 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 shew 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



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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.

Collectors to pay the monies by them received to the Treasurer, once in six weeks, &c.

**XVI.** *And be it further enacted,* 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, hercin after 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.

Penalty on Collectors for refusal or neglect of duty, &c.

**XVII.** *And be it further enacted,* 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.

Collectors allowance.

**XVIII.** 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, herein after 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.

Penalty on Commissioners refusing or

**XIX.** *And be it further enacted,* 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. 1769.  
neglecting to serve.

XX. 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. Commissioners allowed.

XXI. *And be it further enacted,* 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 monies 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 monies 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 monies 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. Commissioners to choose a Treasurer.

XXII. *And be it further enacted,* 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 monies which shall come to his hands 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 Treasurer to give security.

1769. 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 into his hands by virtue of this act, at the rate of six pence in the pound.

His allowance.

Treasurer to be removed for neglect of duty, &c.

**XXIII.** *And be it further enacted,* 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 herein before 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 undefaced; 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 herein after mentioned.

Manner of recovering fines, &c.

**XXIV.** *And be it further enacted,* That all the penalties, fines and forfeitures herein before 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.

Deficiency in any one year's rate to be paid out of the succeeding year's assessment, &c.

**XXV.** *And be it further enacted,* 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 herein before 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.

XXVI. 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, &c.* 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*, 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 re-payment thereof: And whereas the said sum of money so borrowed yet remains unpaid, and the act which made provision for the re-payment 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 monies 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: *Be it therefore enacted*, That the said eight thousand pounds, so borrowed as aforesaid, shall be repaid and discharged out of the monies 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 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 authorised 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,

Manner of repaying the sum of 8000*l.* borrowed by virtue of a former act, &c.

1769.

1769. 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 monies which shall arise, be collected, and paid into the hands of the Treasurer aforesaid, in and by virtue of this act.

Lenders  
may assign  
their certi-  
ficates, &c.

**XXVII.** *And be it further enacted,* 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 monies thereby due.

Manner of  
appropriat-  
ing the sums  
repaid the  
Provincial  
Treasurer.

**XXVIII.** *And be it further enacted,* 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 monies had never been lent, any thing herein to the contrary notwithstanding.

Commis-  
sioners em-  
powered to  
purchase  
two conven-  
ient lots  
for landing  
places, &c.

**XXIX.** *And be it further enacted,* That the said commissioners shall and may, as soon as conveniently may be after the publication of this act, out of the monies 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 and purpose whatsoever; and the said commissioners are hereby farther 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 conve-

nient, 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 monies directed to be assessed, levied and raised by this act.

**XXX.** *And be it further enacted,* That if any person or persons shall, after the publication of this act, cast or throw down, out of any cart, waggon 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 offence, 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 offence.

**XXXI.** And whereas the paving the streets of the city of Philadelphia hath been attended with 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.

**XXXII.** 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 burthens 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, *Be it enacted,* That no waggon, 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 townships 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 guage of four inches from side to side at 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 guage of four inches from side to side at the least (carts with one horse, stage and light travelling waggons for passengers, excepted;) and that every owner or owners of such wheel carriage, which shall pass or be drawn in the

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Penalty on persons casting rubbish in any public street, &c.

Penalty on owners of carriages passing on the paved parts of the city, contrary to this act.

See post. chap. 2046. and the note at the end of this act.

1769. said city, contrary to the directions, tenor, true intent and meaning of this act, shall, for every such offence, 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.

Proof of the offence to be made on oath or affirmation, &c.

**XXXIII.** *And be it further enacted,* 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 offence 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.

Penalty on persons obstructing the measuring the fellies of wheels.

**XXXIV.** *And be it further enacted,* 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 offence, 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.

The fellies originally the full breadth excepted.

**XXXV.** *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.

Regulation relating to waggons, and other carriages, passing through the paved parts of the city, &c.

**XXXVI.** *Provided also, and be it enacted,* 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 waggon, wain or cart, for his, her or their own proper use, but not for hire, any matters or things whatsoever, with two beast's of draught only (except

stones, bricks, lime, loam, sand, gravel, iron, lead, cordwood, 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 waggon, wain or cart, be not of the dimensions aforesaid, any thing in this act contained to the contrary notwithstanding. 1769.

**XXXVII.** *And be it further enacted,* That no dray, or other carriage, used for the transportation of merchandize 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.

Penalty on drays passing on the paved parts of the city, unless the fellies be of the breadth of four inches.

**XXXVIII.** *And be it further enacted,* That every waggoner and carter, employed to haul wood for the inhabitants of the said city, district of Southwark and townships aforesaid, shall have in his said waggon 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 waggoner 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 offence before any Justice of the Peace of the city or county of Philadelphia.

Carters, &c. employed to haul cordwood, to have a sufficient number of hewn standards, marked with their names, &c.

**XXXIX.** *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.

Persons aggrieved, may appeal, &c.



1769.

**XL.** 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 neighbours' 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, *Be it enacted*, 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 work-shop, 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 offence, forfeit and pay the sum of twenty pounds.

Penalty on distillers, &c. discharging foul and nauseous liquors, &c.

**XLI.** And, the more effectually to preserve the waters in the said city, district of Southwark, and Northern Liberties, wholesome and fit for use, *Be it enacted*, 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.

Commissioners, &c. to limit the depth of all wells dug for privies, &c.

**XLII.** And *be it further enacted*, 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 work-shop, 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

Distillers, &c. not to discharge nauseous liquor, so as to run through the streets, &c.

near his slaughter-house, any garbage or filth whatsoever, so as to annoy or offend any neighbour, 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 offence, the sum of thirty-five shillings. 1769.

**XLIII.** *And be it further enacted,* 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 carcase of cattle, sheep, hog, or dog, or any excrement or filth from vaults, privies, or necessary-houses, and shall leave such carcase, 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 offence, the sum of thirty shillings.

Penalty on persons laying carrion &c. on the commons.

**XLIV.** *And be it further enacted,* That if any person or persons shall, after the publication hereof, cast, throw or lay any carcase, carrion or filth whatsoever, or any dirt, rubbish, or other annoyance or obstruction whatsoever, into the public water-course 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 offence, 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.

Or throwing the same into the Dock.

**XLV.** And whereas, by late extraordinary encroachments of cellar-doors, steps and porches, made in the streets of the said city, of jut-windows, bulks, and other incumbrances, 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: *Be it therefore further enacted,* 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 incumbrance 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 offence, forfeit and pay the sum of thirty shillings, and shall forthwith remove, or cause the said nuisance to be removed.

Regulations relating to encroachments by cellar-doors, &c.

**XLVI.** *And be it enacted,* 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-

Owners of porches, &c. exceeding the above limitation, to be

1769. window, or other incumbrance 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 incumbrance, 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.

assessed, till reduced or taken away.

Regulation relating to signs, &c.

**XLVII.** *And be it further enacted,* 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 travellers, with their horses) to denote or shew his, her or their place of residence, or his, her or their occupation or business, or the merchandize 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.

**XLVIII.** *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.

**XLIX.** *Provided also,* That if any person or persons be sued or prosecuted for any thing 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 non-suit, 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. 1769.

L. *And be it further enacted*, That the one half of all fines and forfeitures arising by this act in the city of Philadelphia, not herein before 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 offences committed out of the said city, shall be paid to the Supervisors of the highways of the respective district or township, where the offence 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 offence.

Manner of applying the fines.

LI. *And be it further enacted*, 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 water-courses and common sewers within the inhabited and settled parts of the city of Philadelphia, and for raising of money to defray the expenses thereof*,\* 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 water-courses and common sewers, within the inhabited and settled parts of the city of Philadelphia, and for raising of money to defray the expense thereof*,\* one other act of Assembly, passed in the sixth year of his present Majesty's reign, entitled *A Supplement to the act, entitled An Act for the regulating, pitching, paving and cleansing the highways, streets, lanes and alleys of the city of Philadelphia, &c.*† 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 water-courses and common-sewers, within the inhabited and settled parts of the city of Philadelphia, and for raising money to defray the expense thereof*‡ 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*§; 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. (c)

Former acts repealed.

\* Chap. 480.

\* Chap. 485.

† Chap. 537.

‡ Chap. 554.

§ Chap. 484.

Passed 18th February, 1769.—Recorded A. vol. V. page 250.

(c) By an act passed April 5th, 1799, (chap. 2016,) so much of the act in the text, as debars or prevents any person or persons residing within the Northern Liberties, the District of South-

wark, the townships of Moyamensing or Passyunk, or within the city of Philadelphia, holding or possessing lands within the said district or townships, from transporting in his, her or their

waggon, wain or cart, for his, her or their own proper use, any matters or things whatsoever, on or through any of the paved parts of the city, unless the felines of the wheels of such waggons or carts be of certain dimensions (see § 32 to 37, ante.) and the loads thereon do not exceed a certain weight, is repealed.

By chap. 735, the powers of the city corporation under this act, were transferred to the Justices of the Peace, the corporation being dissolved in consequence of the revolution; but on the restoration of the corporation by act of March 11th, 1789, (chap. 1383,) all those powers were re-vested, and the provisions contained in the act in the text now principally depend upon an ordinance of the corporation—See particularly the ordinance passed June 3d, 1791, and see sect. 34, 35 and 36, of the incorporating act of March, 1789. And by a supplement to the incorporating act, passed April 2d, 1790, among other things it is enacted, (chap. 1498, sect. 2,) That the Mayor, Recorder, Aldermen and Common Council men, in Common Council assembled, shall have full power and authority, to make, ordain, constitute and establish, such and so many laws, ordinances, regula-

tions and constitutions, as shall be convenient and necessary for the purposes of estimating, assessing, raising and levying of taxes upon the persons of single men, and upon the estates real and personal of the inhabitants of the city of Philadelphia, for the purposes of lighting, watching, watering, pitching, paving and cleansing of the streets, lanes and alleys of the said city, and directing, appointing and regulating, the time, order and manner of estimating, assessing, raising, levying and collecting of the said taxes, and of lighting, watching, watering, pitching, paving and cleansing the said streets, lanes and alleys, any law, &c. to the contrary notwithstanding.

And see an act passed March 25th, 1805, (chap. 2569), for the better regulation of the city, &c. The Court of Quarter Sessions empowered to grant views for opening the Streets in the city. All the Streets to be deemed highways, if not less than twenty feet wide. Further powers are given to the corporation with respect to the west end of the Streets extending to the river Schuylkill, &c.

See the general index, titles *Philadelphia, Wardens of the Port, Health Office*