

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1762, and continued by adjournments until the thirtieth day of September, 1763, the following acts were passed:

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CHAPTER CCCCLXXXIV.

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AN ACT TO PREVENT AND REMOVE CERTAIN NUISANCES IN AND NEAR THE CITY OF PHILADELPHIA.

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 neighbors' waters, and that there are a variety of other nuisances or annoyances in and near the said city to the great inconvenience and damage of the inhabitants:

To prevent which inconveniences and damages:

[Section I.] Be it enacted by the Honorable James Hamilton, 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 if any distiller, soap-boiler or tallow-chandler within the said city, district of Southwark or the built parts of [the] Northern Liberties shall, after the publication hereof, by them-

selves, their agents, journeymen or tenants, 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 held for the pea[ce of the sai]d 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 II.] 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 and any two magistrates of the county of Philadelphia aforesaid shall limit, direct and appoint the depth of all vaults, wells or 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 the Pennsylvania Gazette and then deposited in the hands of the clerks 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 offend]ing and being thereof legally convicted as aforesaid shall forfeit and pay the sum of twenty pounds.

[Section III.] 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 liquors shall pass into or along any of the streets, lanes or 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 person whomsoever, 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 IV.] And be it further enacted by the authority aforesaid, That if any person or persons shall, after the [publication] hereof presume to cart, carry, draw out or lay any dead horse [or other car]case 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 full and 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 or district or township adjoining the same, every person or persons or persons [sic] 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 V.] 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 carcase, carrion or filth whatsoever, or any dirt, rubbish or other annoyance or obstruction whatsoever into the public water-course of the said city, 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 cellar doors, 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 VI.] Be it therefore 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 so placed, any spout or gutter whereby the passage of any street shall be incommoded, every person so offending] and being thereof legally convicted 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 VII.] And be it further enacted by the authority aforesaid, That the owner or owners of every 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 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 and taken away.

And any owner or owners of any house or houses whereunto any spouts or gutters shall, at the time of the publication hereof be so fixed, placed that the waters thereby [discharging 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 VIII.] And be it further enacted, That the one-half of all the fines and forfeitures arising by this act in the city of Philadelphia, except such as are to be recovered and imposed in the court of quarter sessions for the said city, shall be paid to the informer or such person or persons as shall sue for the same, and the other half thereof shall be paid to the city treasurer, to be applied towards paving and cleansing the streets of the said city; and that all fines and forfeitures 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.

[Section IX.] And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the space of five years and from thence to the end of the next session of assembly and no longer.

Passed March 4, 1763. Referred for consideration by the King in Council, December 9, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II. Repealed by the Act of Assembly passed February 18, 1769, Chapter 594.

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## CHAPTER CCCCLXXXV.

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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." 1

Whereas, the paving of the city of Philadelphia within the inhabited parts thereof without delay will be attended with many conveniences and advantages, and it is but just and reasonable that the benefits and emoluments of the act of General Assembly of this province, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water-