

CHAPTER DXXXVII.

A SUPPLEMENT TO THE ACT, ENTITLED "A SUPPLEMENT TO THE ACT, ENTITLED 'AN ACT FOR REGULATING, PITCHING, PAVING AND CLEANSING THE HIGHWAYS, STREETS, LANES AND ALLEYS OF THE CITY OF PHILADELPHIA,'" &c.¹

Whereas it is enacted by the act to which this act is a supplement "that no wagon belonging to any person or persons residing within the city of Philadelphia, the district of Southwark or the townships of the Northern Liberties, Moyamensing or Passyunk shall travel, pass or be drawn on any of the paved parts of the said city from and after the first day of March, which shall be in the year of our Lord one thousand seven hundred and sixty-six [*sic*], with or by any number of oxen or horses whatsoever unless the fellies of the wheels thereof shall be of the breadth or gauge of seven inches from side to side at the least:"²

And whereas the said regulation of the wagons aforesaid will be more inconvenient than useful, and it will answer the purposes intended by the said act if the fellies of the wheels of the said wagons should be limited and restricted to the dimensions of four inches:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That it shall and may be lawful, from and after the fifteenth day of October in the year aforesaid, for any person or persons residing within the said city, district and townships aforesaid, or any of them, owning any wagon or wagons, to draw the same on any of the paved parts of the said city

¹ Passed March 4, 1763, Chapter 485.

² Act of March 4, 1763, Chapter 485, section X.

with any number of oxen or horses whatsoever, provided the fellies and every of them of the wheels thereof shall be of the breadth and gauge of four inches from side to side at the least, anything in the said act to which this act is a supplement contained to the contrary [thereof] in any wise notwithstanding; and that if any of the wagons belonging to the persons aforesaid (stage and light traveling wagons for passengers only excepted) shall pass, travel or be drawn on the paved parts of the said city, unless the wheels thereof shall be of the dimensions and gauge aforesaid, every such person shall 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 drawing such wagon (except the shaft or thill horse), together with all the gears, bridles, halters and accoutrements to such beast belonging, one moiety thereof to the use of the person who shall seize the same, and the other half to the commissioners, to be applied for paving the said streets.

And whereas the drays and other carriages used by the porters and draymen within the said city with narrow wheels are very injurious to the pavements thereof:

[Section II.] Be it therefore further enacted by the authority aforesaid, That no dray or other carriage used in the transportation of merchandise from one part of the said city to another by the said porters and draymen shall travel, pass or be drawn on the paved parts of the same from and after the fifteenth day of October, which shall be in the year of our Lord one thousand seven hundred and sixty-seven, unless the fellies 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 to the persons and uses aforesaid and to be recovered in manner aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That every wagoner and carter employed to haul wood for the inhabitants of the said city, district of Southwark and townships aforesaid, shall have in his said cart or wagon of his own property a sufficient number of hewn standards for preventing the wood from falling off from his said cart or wagon, marked with the initial letters of his Christian and surnames on

the outer sides of the said standards under the penalty of five shillings, and that if any such wagoner or carter shall take and appropriate any wood belonging to any of the inhabitants aforesaid which he shall be hired to haul and apply, or appropriate the same to his own use, or shall not deliver the same to the true owner or purchaser thereof, every such person shall forfeit and pay two shillings for every stick or piece of wood so appropriated or detained to the owner or owners thereof, being first lawfully convicted thereof before any justice of the peace of the said city or county of Philadelphia.

[Section IV.] And be it further enacted by the authority aforesaid, That this act shall continue and be in force for and during the same space of time as the act to which this act is a supplement shall continue and no longer.

Passed February 8, 1766. Referred for consideration by the King in Council, February 11, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXV, Section I, and the note to the Act of Assembly passed March 26, 1762, Chapter 480. Expired.

CHAPTER DXXXVIII.

AN ACT TO PROLONG THE TIME LIMITED FOR DRAWING THE LOTTERY INSTITUTED AND DIRECTED TO BE DRAWN IN AND BY VIRTUE OF AN ACT, ENTITLED "AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF THREE THOUSAND AND THREE POUNDS FIFTEEN SHILLINGS TO BE APPLIED TO THE PAYMENT OF THE ARREARS OF DEBT DUE FOR THE FINISHING ST. PETER'S AND ST. PAUL'S EPISCOPAL CHURCHES, IN THE CITY OF PHILADELPHIA,"¹ AND FOR APPOINTING A MANAGER IN THE ROOM OF HENRY HARRISON, ESQUIRE, DECEASED.

Whereas it hath been represented to the assembly of this province by the managers of the lottery instituted and directed to be drawn by the act of general assembly of this province, entitled "An act for raising by way of lottery the sum of three thousand and three pounds fifteen shillings to be applied to the payment of the arrears of debt due for the finishing St. Peter's

¹ Passed February 15, 1765, Chapter 517.