

No. 349.

A FURTHER SUPPLEMENT

To an act passed the eighteenth of April, one thousand seven hundred and ninety-four, incorporating the district of Southwark, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the principal regulator of the district of Southwark, with any one of his assistants, shall, from and after the passage of this act, in addition to the rights and powers now vested in them, have the right and power to regulate partition fences within the said district of Southwark; and said fences shall be made in the manner generally used, and kept in good repair at the equal cost of the parties; and said fences shall not exceed in cost twelve dollars for every hundred feet, unless the persons at whose cost the same shall be erected shall agree otherwise. Partition fences.

SECTION 2. If either party shall be dissatisfied with the regulation as aforesaid, he shall have the right to appeal to the next court of common pleas for the county of Philadelphia, in the same manner, and under the same restrictions, and subject to the conditions mentioned in the nineteenth section of the act incorporating the district of Southwark: *Provided,* That if said regulation shall have been made with full written notice to all parties interested, and shall not be appealed from as aforesaid, or if appealed from, shall be finally sustained, the same shall be final and conclusive, except as is excepted in the act to which this is a supplement. Appeal.

SECTION 3. If either party between whom such partition fence is to be or shall be made, shall not appeal as aforesaid, and shall not pay his half of the expense incident to said regulation and setting up or repairing such fence as aforesaid, then the party paying such expense shall have his action at law to recover the same from the defaulting party. Action.

SECTION 4. The principal regulators aforesaid shall enter in the district book of regulations, all things necessary that shall be done by them by virtue of this act; and if any person or persons shall enclose or fence in any lot or lots of ground without first having the line or lines or boundaries thereof regulated as aforesaid, or if having the line or lines or boundaries regulated as aforesaid, shall deviate therefrom, so as to enclose any of the adjoining ground, unless so determined on appeal, every such person, as well the owner as the person or persons making such fence, shall forfeit and pay the sum of fifty dollars to the use of the district of Southwark, besides being liable to the party injured. Penalty for not having lots regulated.

SECTION 5. That the third section of the act of assembly, entitled "An Act for the election of inspectors and judges of elections in the township of Moyamensing, in the county of Philadelphia, and providing for the manner of electing commissioners in the district of Southwark, in the said county, and for other purposes," approved the eighth day of March, one thousand eight hundred and thirty-nine, be and the same is hereby repealed. District of Southwark.

SECTION 6. That the eleventh, twelfth and thirteenth sections of the act of assembly, entitled "A further supplement to the several acts

Southwark election for commissioners repealed.

relating to auctions and auctioneers, and for other purposes," approved the eighth day April, one thousand eight hundred and forty-two, be and the same is hereby repealed: *Provided*, That the commissioners now in office under said act of assembly hereby repealed, shall continue to hold and exercise said office of commissioner until their places shall have been supplied under the laws in force immediately before the passage of said act of assembly hereby repealed by this and the foregoing section.

Additional guardians of poor to be elected by Spring Garden.

SECTION 7. That in addition to the guardians of the poor for the city of Philadelphia, the districts of the Northern Liberties, Southwark, Kensington and Spring Garden, the townships of unincorporated Northern Liberties and North and South Penn, in the county of Philadelphia, whose election is provided for by existing laws, the commissioners of the district of Spring Garden, shall, on the third Monday in May next, ensuing the passage of this act, and every three years thereafter, elect an additional guardian for said district, to serve as a guardian of the poor for three years, or until his successor be duly elected and qualified; the commissioners of the district of Kensington, shall also, on the third Monday in May next, and every three years thereafter, elect an additional guardian of the poor, to serve for three years, or until a successor be duly elected and qualified; the commissioners of the township of Moyamensing, shall also, on the third Monday in May next, and every three years thereafter, elect one guardian of the poor, to serve for three years, or until his successor be duly elected and qualified; and from and after the passage of this act, the poor of said township shall be received by the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and townships of Northern Liberties and Penn, and be provided for and treated in all respects like the poor of the city of Philadelphia; and the board of guardians of the poor shall have the same power to assess and collect taxes, and appoint tax collectors in said township, as they now possess in the city of Philadelphia; and the board of guardians shall also have power to appoint one person residing within the township of Moyamensing, as visitor of the poor, who shall receive such compensation as the board shall determine; the elections of the said guardians shall be conducted in the same manner as is provided for by law for the elections of guardians of the poor in the city of Philadelphia, and incorporated districts in the county of Philadelphia, and the persons thus elected shall take the same oath or affirmation, perform all the duties and be subject to the like penalties, as are now provided for under existing laws; if the city councils or the commissioners of any of the incorporated districts, fail to elect on the third Monday in May, then they shall elect the number to which they may be respectively entitled to elect, at some meeting of councils or of the board of commissioners, as the case may be, before the fourth Monday in May, in any year: *Provided*, That whenever any member of the said board of guardians resigns his office of guardian of the poor, it shall be his duty to communicate that fact to the body by which he was elected; and if the board of guardians neglect or refuse to communicate a notice of such vacancy or vacancies, created by any cause, to the body which elected the guardian or guardians, whose seat or seats have become vacant for a period of five days, any two members of the board of guardians may notify the proper body of such vacancy, which shall be supplied by a new election, within ten days after such notification: *And provided further*, That it shall be lawful for the said board of guardians to appoint such officers as they may deem necessary, and the

Kensington.

Moyamensing township.

Poor, how provided for.

Taxes.

Visitor.

Oath.

Proviso.

Vacancy.

same to remove whenever in their opinion the public interests require such removal.

SECTION 8. That within thirty days after the passage of this act, Board of health, there shall be elected, in addition to those already elected—by the commissioners of the district of Spring Garden, one member of the board of health, by the commissioners of the district of Southwark, one member of said board, and by the commissioners of the district of Kensington, one member of said board—and the members thus chosen, shall form part of the same board with those elected under the provisions of the act of the twenty-ninth of January, one thousand eight hundred and eighteen, entitled “An Act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes;” and each of the said districts shall, at the same time and place provided for electing members of the board of health, annually elect two members of the board of health, who shall perform all the duties and be subject to all the restrictions and limitations now imposed by the laws of this commonwealth; and the members whose election is hereby provided for, shall continue to hold their office as members of the said board until their successors are duly elected and qualified: *Provided, however,* That the additional members hereby provided for, shall only continue in office until the time for electing members of the board of health in one thousand eight hundred and forty-five, and until their successors are elected.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 350.

AN ACT

Explanatory of the twenty-sixth section of the act to reduce the state debt, and to incorporate the Pennsylvania canal and railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the par value of the stock to be paid in the event of the forfeiture of the charter, in pursuance of the twenty-sixth section of the “Act to reduce the state debt, and to incorporate the Pennsylvania canal and railroad company,” may be paid in money, or certificates of loan, bearing an interest of five per cent. per annum, subject to the deduction provided for in said section, the interest to be paid semi-annually, out of revenue