

No. 21.

A FURTHER SUPPLEMENT

To an act, 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," passed January twenty-nine, one thousand eight hundred and eighteen, and the several supplements thereto.

Powers and duties extended.

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,* The jurisdiction, powers, duties and authority of the board of health, shall extend to and over the city of Philadelphia, the incorporated districts of the Northern Liberties, Kensington, Richmond, Spring Garden, Penn and Southwark, and the township of Moyamensing; and all violations of health laws now punished, or hereafter to be punished, by fine, forfeiture, imprisonment or otherwise, shall be prosecuted and sued for, if committed within the jurisdiction of the board, in like manner, and as fully and to all intents and purposes, as if any of the said places had been especially named.

Recovery of penalties.

SECTION 2. Whenever any penalty, given by law to the board of health, is not fixed and definite in amount, but varies at the discretion of the court, the same shall, in such cases, be collected and recovered only by indictment.

Provisions in respect to privy wells declared to be in force.

SECTION 3. The several provisions of the resolutions of May twenty-nine, one thousand eight hundred and forty, relative to privy wells, are hereby declared to be, in all respects, in full force; and any constable, police officer or watchman, is hereby authorized to seize and detain all carts, horses, and implements, and apparatus, actually taken with any person or persons, detected in any violation of said resolutions, and deliver the same to the board of health for safe keeping, and as security for the payment of the penalties given by said resolutions, and all other laws on the same subject.

Offence to be adjudged.

SECTION 4. If any privy filth be spilled from a cart upon any street, lane, alley, road or highway, within the limits of the jurisdiction of the board of health, the same shall be adjudged to be an unauthorized deposit, and punished as such.

Licenses to be obtained.

SECTION 5. From and after the passage of this act, it shall not be lawful for any person to remove the contents of any privy well, within the limits of the jurisdiction of the board of health, unless first licensed by the board of health to do so; and any person offending against the provisions of this section, shall, for every such offence, forfeit and pay to the board of health the sum of fifty dollars: *Provided,* That the board of health may, from time to time, by resolution or otherwise, exempt, from the operation of this, or any other law on the subject of nuisances, such portions of the territory under their jurisdiction, being a rural district, or sparse in population, as in their opinion they may do with safety to the health and comfort of the inhabitants thereof.

Proviso.

Application for a license to be made in writing.

SECTION 6. Any person desirous of being licensed to empty, or remove the contents of privy wells, shall make application, in writing, to

the board of health, who, on being satisfied with the character of the applicant, and the construction of his carts, shall, under the rules and regulations they make in relation thereto, grant him a license for one year; and the same may renew, from year to year, as they may deem proper; and for every license so granted, and for every renewal thereof, the board of health shall receive from the party applying therefor, the sum of one dollar; and for every permit for removing the contents of any privy, he shall pay to the board of health, at the time said permit is granted, fifty cents, if between the first day of October and first day of the next June, and five dollars if between the first day of June and the first day of the next October, to be re-paid to him by the person or persons employing him to empty or cleanse such privy well: *Provided*, Proviso. nevertheless, That the price for a permit to clean a privy, declared to be a nuisance by the board of health, shall be one dollar, between the first day of October and the first day of the next June, payable in like manner: *And provided also*, That in the case of permits, granted by Proviso. the board, for removing the contents of privies, which are in the way of building or of improvements, which cannot be effected without such removal, as also for removing the contents of privies, which have become accidentally a nuisance to the houses to which they are attached, or the neighborhood, the charge for such permits, at all seasons of the year, shall be but fifty cents; and any person so licensed, offending against any of the provisions of this or any other law on the same subject, shall, by the vote of a majority of the board, forfeit his license, and be disqualified to have the same again granted to him for such period, not exceeding three years, as they may determine; and he shall also be subject to all fines, pains and penalties, given by law, for any violation thereof.

SECTION 7. It shall and may be lawful for the board of health to sell and dispose of absolutely, in fee simple, with or without reservation of a ground rent or ground rents, the buildings and lot of ground situate to the north-west of Bush Hill, in the district of Spring Garden, in the county of Philadelphia, now used by them as a public hospital, and to make and execute one or more good and sufficient deed or deeds, in fee simple, to the purchaser or purchasers thereof, without any liability on the part of such purchaser or purchasers, to see to the application of the purchase money, or any part thereof; and with the proceeds of such sales and dispositions, they shall purchase a suitable tract or piece of land, within three miles of the city of Philadelphia, and shall forthwith erect thereon suitable buildings for a public hospital; and the same, when finished, shall be taken and used, as and for a public hospital, to all intents and purposes, as the said hospital, near Bush Hill, is at present taken and used: *Provided*, That the county of Philadelphia shall not be called on to defray any portion of the expenses incurred in the purchase of the ground and erection of the new hospital. Board of health authorized to sell certain real estate.

SECTION 8. No vessel shall be permitted to leave the Lazeretto without first giving security, to be approved by the board of health, for the payment of all expenses of said vessel and of passengers, or other persons imported therein, which said vessels, their captains, owners or consignees, are by law made liable. Proviso.

SECTION 9. From and after the passage of this act, the district of Penn be authorized to elect one member, and the district of Richmond one member of the said board of health, in such manner and at such times, as members of the board of health are elected by the district of Spring Garden. Vessels to give security.

Additional members to be elected.

Repeal.

SECTION 10. All laws, or parts of laws, inconsistent with any of the provisions of this act, or supplied thereby, are hereby repealed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 22.

A N A C T

Relative to the trust estate of Susannah Stewart.

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 court of common pleas of Philadelphia county is hereby authorized, at its discretion, to direct and require the trustee, under a certain indenture, a deed of trust, executed by Paul C. Stewart and Susannah Stewart, his wife, on the fifteenth of May, one thousand eight hundred and thirty, and recorded in the office for recording deeds for the city and county of Philadelphia, in deed book A M, No. two, page one hundred and eighty-four, on the seventeenth day of May, one thousand eight hundred and thirty, whereby certain personal estate, belonging to the said Susannah, was intended to be secured to herself and children, to reconvey the same to the said Susannah, and upon such conveyance and transfer of the said property, to discharge the trustee from all liability on account of the said trust: Provided, That such authority shall not be exercised, except on the application of the said Susannah, to be made in writing, to the said court.*

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.