

No. 80.

AN ACT

To authorize a temporary loan.

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 state treasurer be and he is hereby authorized to borrow, on temporary loan, the sum of two hundred thousand dollars, to be applied to the payment of the interest upon the state debt, which fell due on the first instant; and certificates of loan, signed by the auditor general, and countersigned by the state treasurer, shall be issued for the sum borrowed by authority of this act, bearing an interest not exceeding six per cent., and reimbursable within ninety days; and the faith of the commonwealth is hereby pledged for the repayment of the said loan out of the first receipts at the treasury; and the state treasurer is hereby authorized to convert such part of said receipts into par funds, as may be necessary to secure the repayment of said loan in gold and silver, or their equivalent.*

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 81.

AN ACT

Supplementary to the several acts of assembly incorporating the district of Penn, 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 from and after the passage of this act, so much of the district of Penn, in the county of Philadelphia, as is embraced in the following limits, viz: Beginning at a point on the Schuylkill, two hundred feet north of Columbia avenue; thence eastward, on a line parallel with said avenue, two hundred feet north of the same, to a point two hundred feet west of Broad street; thence northwardly, parallel with said Broad street,*

Boundary of the
part stricken off
and annexed to
North Penn.

and two hundred feet west of the same, to Old Camac street, and along said Camac street to a point two hundred feet west of Tenth street; thence northwardly, parallel to said Tenth street, to the line on the Susquehanna avenue, the present northern boundary of the district; and thence westwardly along said avenue to the river Schuylkill. shall be and the same is hereby stricken from the said district, and annexed to the township of North Penn: *Provided*, That the real estate, and the owners thereof, within the limits of the portion hereby excluded from the district of Penn, shall not be liable for the corporation taxes assessed for the present year.

SECTION 2. That no person but a regular qualified voter or citizen of said district, shall be eligible to office as commissioner or otherwise; and hereafter all persons who may be elected as commissioners, or to any other office in said district, shall, before entering upon the duties as such, be regularly sworn or affirmed; and in case one or more vacancies shall happen in the board of commissioners of said district, by death, removal or otherwise, such vacancy or vacancies shall be supplied at the next stated election; or a majority of the board of commissioners may appoint special elections for supplying such vacancies, of which they shall cause to be given at least six days' notice, by hand-bills posted up in at least ten of the most public places within the said district; and such election shall be conducted by the officers who conducted the last previous election, and the proper returns thereof, made in manner and form as is now directed by law; and the persons so chosen and qualified, as aforesaid, shall be commissioners for the remaining term that the commissioners in whose places they were elected had been elected for; and a majority of the whole number of the said commissioners shall be a quorum for transacting all business, except for the purchase and sale of real estate, for mortgaging or incumbering the same, or for borrowing money, for which purpose the concurrence of two-thirds of the whole number of commissioners shall be essential; and the said commissioners shall not receive any compensation for their services; and at all their meetings, the door of their place of meeting shall be open for the admission of any peaceable and orderly citizen.

SECTION 3. That the said commissioners, in addition to the powers already vested in them, shall have full power and authority to make, ordain and establish such laws, ordinances and regulations not inconsistent with the constitution and laws of this commonwealth; and to appoint such officers, under such restrictions as they shall deem necessary, for the good order and government of the said district; and the same to alter and annul at their pleasure, to the same extent as the like powers are enjoyed by the other incorporated districts of the county of Philadelphia, in similar cases and for similar purposes.

SECTION 4. That the court of quarter sessions of the peace for the county of Philadelphia, shall have and they are hereby vested with full power and authority to inquire of, hear, try and determine all offences which shall be committed within the said incorporated district, contrary to this act, or against any of the laws, or ordinances, or regulations that now are, or that shall be made, ordained and established in pursuance of this act, and punish the offender or offenders, as by the said laws, ordinances or regulations shall be prescribed or directed: *Provided*, That where the fines, penalties or forfeitures shall not exceed the sum of one hundred dollars, they shall be recoverable before any justice of the peace or alderman of the said county: *Provided always*, That if any person or persons shall think him, or her, or themselves aggrieved by any judgment given by any justice or alderman, as aforesaid, it shall and may be lawful for such person or persons, at any time within twenty

Who shall be eligible to office.

Vacancies, how supplied.

Quorum.

By-laws.

Power of quarter sessions over offences.

Proviso.

Proviso.

Appeal. days next following the date of such judgment, to appeal therefrom to the next court of quarter sessions of the said county, he, she or they first entering into recognizance, with at least one sufficient surety, in double the amount of such judgment, to prosecute such appeal with effect, and to abide the order of the court.

Publication of ordinances. SECTION 5. That no law, ordinance or regulation of the said commissioners, shall go into operation until the same shall be published in one or more of the public newspapers published in the said district, or in the city or county of Philadelphia, and in handbills posted in not less than ten of the most public places in the district aforesaid, and also recorded in the office of the recorder of deeds for the city and county of Philadelphia, who shall be allowed and paid for the recording thereof, at the same rate as is allowed to him for recording other instruments of writing; and that before any of the said laws, ordinances or regulations shall be recorded, as aforesaid, the publication thereof, respectively, shall be proved by the oath or affirmation of some credible person; which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time and manner of such publications.

To be recorded. SECTION 6. That the said commissioners shall have full power and authority to limit the depth and distance from the line of the adjoining neighbor's ground, of all vaults or sinks hereafter to be dug, within the said districts, for privies or necessities; and if any person or persons shall dig, or cause to be dug, any such vaults or sinks for a privy or necessary, of any greater depth, or nearer the adjoining neighbor's line, than shall be limited as aforesaid; every such person so offending, and being thereof convicted, shall forfeit and pay the sum of one hundred dollars, to be recovered in the same manner as debts of the same amount are now or hereafter may be by law recoverable, to be appropriated towards defraying the contingent expenses of the said corporation; and the said vault or sink shall be filled up at the expense of the owner or owners thereof.

General powers of commissioners. SECTION 7. That the said commissioners be and they hereby are authorized and enjoined to appoint a sufficient number of skillful persons as regulators of the said incorporated district; and the said regulators, or any one or more of them, shall have full power and authority, with or without his or their assistant or assistants, to enter upon the land of any person or persons, for the purpose of regulating and marking the lines or boundaries of any lot or lots of ground required to be regulated; and if any person or persons shall erect any building or buildings, adjoining to or upon any street, road, lane, court or alley, or on the line of his, her or their neighbor's ground, without first applying to and having the line or lines thereof regulated and marked, as aforesaid; or if, after having the lines or boundaries regulated and marked, as aforesaid, shall deviate therefrom by extending his, her or their building or buildings beyond any or either of the lines or boundaries marked, as aforesaid, unless determined otherwise on an appeal, the owner and master builder shall severally forfeit and pay the sum of fifty dollars, to be recovered in the same manner as debts of the same amount are now or hereafter may be by law recoverable, one-half thereof to be appropriated to the use of the commissioners aforesaid, for the purpose of defraying the contingent expenses of the said corporation, and the other half to the use of the person or persons suing for the same: *Provided*, That the same shall not be recoverable unless prosecuted within twelve calendar months after the offence be committed: *And provided also*, That no length of possession shall be sufficient to confirm any holder or holders of property, in the right to the ground heretofore built on,

To appoint regulators.

Powers and duties of regulators.

Proviso.

Proviso.

beyond the line of any public street, road, lane or alley; and if any person or persons shall enclose or fence in any lot or lots of ground, without first having the lines or boundaries thereof regulated and marked, as aforesaid; or if, after having the lines and boundaries regulated and marked, as aforesaid, shall deviate therefrom, so as to enclose part of his or her neighbor's ground, unless so determined on an appeal, every such person shall be compelled, forthwith, to remove the same, and shall forfeit and pay the sum of twenty dollars, to be recovered and appropriated in the manner hereinbefore directed, in respect to buildings; and the said regulators, or some one or more of them, shall enter into a book, to be provided for that purpose, and kept at such place as the said commissioners shall direct, all regulations, orders or awards by him or them made, in pursuance of this act; and all such regulations, orders or awards, if made with reasonable notice to the parties interested, shall be conclusive, unless the same be set aside on an appeal; and that all appeals hereafter to be made from the regulation, order or award of the said regulators, or any one or more of them, as aforesaid, shall be made, and lie to the next court of common pleas to be holden for the county of Philadelphia, within twenty days from and next after the time of making such regulations, order or award appealed from; and upon security being entered by the party appealing, for the payment of all costs in case he, she or they shall not prevail in his, her or their appeal, the said court shall try the matter in dispute by jury, according to law: *Provided*, That no person or persons under age, non compos mentis, feme covert, imprisonment or out of the United States, shall be affected by any regulation, order or award, as aforesaid, until the expiration of twelve months' notice thereof, in writing, after coming to full age, sound mind, discovery, being at large or returning into the United States, within which period his, her or their appeal may be entered and prosecuted as aforesaid.

SECTION 8. That it shall not be lawful hereafter, to erect any party wall between party and party, within the said district, of a less width than nine inches for brick, and sixteen inches for stone work; nor shall such party wall, in any case, be placed or extended more than four and an-half inches for brick, and eight inches for stone work, beyond any party line upon the ground adjoining that on which any building may be erected; and the first builder shall be reimbursed one moiety of the value of such party wall, or so much thereof as the next builder shall have occasion to make use of, before the next builder shall use or break into the said wall or walls; the value thereof to be fixed by any one or more of the said regulators, or by arbitrators mutually chosen.

SECTION 9. That the expenses of repairing the pumps and wells which may be hereafter sunk and erected by any of the inhabitants of the said district, shall not be defrayed by the board of commissioners, unless the depth of the wells, the quality of the materials with which the pump and well are constructed, and the distance of the same from the line of the street, be conformable to the regulation which is or may be made and established by the same.

SECTION 10. That no street, lane, court, road or alley, shall be hereafter laid out or opened by the public or by individuals, for public use, of a less width than twenty-five feet; and that all streets, roads, lanes and alleys, which have been heretofore or may hereafter be laid out, opened and appropriated to public use, within the said district, by private persons, and communicating and running from and to other public highways, shall, to all intents and purposes, be held, deemed, and taken to be highways, as fully and completely, according to their extent, as

- if the same had been laid out by order of the court of quarter sessions: *Provided*, The same be not less than twelve feet in width.
- Proviso.** *Provided*, The same be not less than twelve feet in width.
- Commissioners to lay a tax.** SECTION 11. That the said commissioners shall have full power and authority to lay, annually, a tax not exceeding one-half of one per cent. on the value, agreeably to the county assessment of all the real estates within the said district, and also on all persons residing within the same, to be applied to the purpose of defraying the expenses of the said corporation, and necessary for carrying this act into execution; and to have the like power to collect the same, and the other taxes hereinbefore mentioned, as is exercised in collecting the county tax within this commonwealth; and all taxes, when collected, shall be paid to the treasurer for the use of the corporation; and the said commissioners are hereby authorized to borrow, on the credit of the said corporation, from time to time, (annually, if they shall deem it necessary) such sum or sums of money as they may require for the use of said district, and pledge the faith of said district for the same; and that certificates be issued in the name of such person or persons, body or bodies corporate, for such sum or sums as they or any of them may loan, which certificates shall be signed by the president and attested by the treasurer: *Provided always*. That the said district shall not hereafter be assessed or bound to contribute towards any tax whatever, for maintaining and repairing any roads, highways, other than those within the limits of the district.
- Proviso.** SECTION 12. That the said commissioners shall cause all accounts of receipts and expenditures of money to be published up to the thirty-first day of December, inclusive, in each and every year, within three months thereafter, and the vouchers may be viewed at any reasonable hours by any taxable inhabitant residing within the bounds of the corporation, who may demand the inspection thereof; and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons, and at like times as the accounts aforesaid:
- Publication of accounts.** *Provided*, That no inspection thereof shall be permitted, until three months after making such minutes respectively, unless a majority of the commissioners, the names of whom shall be entered on the minutes, consent thereto.
- Proviso.** SECTION 13. That no misnomer of the said corporation, provided the intent of the party or parties sufficiently appear, shall defeat or annul any act or intention of such party or parties; nor shall any nonuser or neglect of the rights, liberties, privileges, jurisdictions and authorities hereby or heretofore granted to the said corporation, create or cause a forfeiture thereof.
- Misnomer.** SECTION 14. That any inhabitant of the said district, if otherwise qualified, may be a witness in all controversies arising under this act, or the acts to which this is a supplement.
- Witnesses.** SECTION 14. That the electors of the said incorporated district shall, on the third Friday of March next, meet at the public house of Michael Diemer, Ridge road, and annually thereafter, elect one suitable citizen residing in the said district, to be assessor in the said district for the term of one year; and also four other suitable citizens residing in the said district as constables, and return the names of the latter to the next general court of quarter sessions to be held for the county of Philadelphia, and the said court shall appoint two of them constables, one to reside east and one west of Broad street, for the said district; and if either of the said constables elected and appointed as aforesaid, refuse or neglect to take upon him the office to which he shall be appointed as aforesaid, or in case of vacancy, by dismission from office for misconduct, death, resignation or removal from the said district, the court shall appoint another proper person to serve in the office of constable, for
- Elections, when and where to be held.**

and during the term, or residue of term, which the person in whose room he shall be so appointed, was bound to serve: *Provided, That it* *Proviso.* shall and may be lawful for the qualified voters of said district, to change the place of holding the said election to such other place in the same district, as may be most convenient for them, in the same manner and under the same regulations, as is by law provided for changing the place of holding ward elections in the city of Philadelphia: *Provided always,* *Proviso.* That nothing herein contained shall be deemed or taken in any manner, to affect the right of the inhabitants of Penn township, not within this incorporated district, to elect constables as heretofore: *And provided* *Proviso.* also, That the electors of the said district, shall not be entitled to vote at the election of constables for Penn township, not included in said incorporated district: *And provided also,* That so much of the act *Proviso.* passed the first day of April, one thousand eight hundred and thirty-six, entitled "An Act regulating election districts, and for other purposes," dividing the said township into two election districts, be and the same is hereby repealed; and that the residue of said township, not embraced *Repeal.* in the limits of this corporation, be and the same is hereby declared to be one election district.

SECTION 16. That every constable elected and appointed under this act shall, before entering on the duties of his office, give the like security, and of the same amount; and he and every person or persons acting under his direction, shall be subject to the like penalties in the same cases, and to be recovered in the same manner as are provided, with respect to the constables in and for the county of Philadelphia, by any act or acts of assembly now in force. *Constables to give security.*

SECTION 17. That all public landing places at the junction of any of the streets in the said districts, with the river Schuylkill, or otherwise, *Lease landing places.* which now are or hereafter may be laid out, shall be under the jurisdiction of the aforesaid board of commissioners and their successors, who shall have authority to lease or let out the same, for the use and benefit of the inhabitants of the said district.

SECTION 18. That the jurisdiction of the board of health shall be, and the same is hereby extended to said district: *Provided, That nothing* *Board of health.* in this act, or any other act of assembly, shall be construed to prohibit *Proviso.* the citizens of the said incorporated district, (subject to such rules, regulations and restrictions as shall be established by the commissioners thereof) from using privy manure for farming and agricultural purposes, within the limits of the said district; nor to prevent the citizens of any other district from disposing and using of the same for like purposes: *Provided,* The same be removed in the same manner, and at the times *Proviso.* as now ordained by the said board of health.

SECTION 19. That the commissioners of the said district, shall have full power and authority, in the event of the neglect or refusal of the owner or owners of any land in the said district, after thirty days' notice to do so, to fill up all unpaved footways or stagnant pools within the said district, to any height they may think proper, not exceeding the height established by law, at such time or times as they may deem expedient, and assess the expense thereby incurred upon the property to which such footway or stagnant pool is attached, in such proportions and at such times as may be necessary to defray the same; and they are hereby authorized to recover such assessments, in the manner hereinafter prescribed for the recovery of other taxes in the said district. *Footways and stagnant pools.*

SECTION 20. And the said commissioners are hereby authorized and empowered to erect, or cause to be erected, market houses upon Girard *Power to erect market houses.* avenue, between Tenth and Thirteenth streets, or to purchase the mar-

Proviso.

ket houses already erected in said Girard avenue, at their discretion, and to let stands therein for such consideration as the said commissioners shall fix and establish, in the same manner for similar purposes, and under the like restrictions as provided by the acts of assembly, authorizing and governing market houses within the limits of the district of Spring Garden : *Provided*, That the said commissioners may, if they shall deem it expedient, authorize the erection by, and grant the enjoyment of the income of the market houses within the limits aforesaid to, any individual or association of individuals, for a fixed period of time, upon such conditions, and under and subject to such restrictions, in addition to those hereinbefore mentioned, as shall be determined and agreed upon, by and between the said commissioners and the party or parties who may so contract.

Pitching and paving.

Proviso.

SECTION 21. That the board of commissioners shall have full power an authority, upon the application of a majority of the owners of the lots fronting on any street, road, lane or alley, to pitch and pave any such street, road, lane or alley within the said district : *Provided*, That the same be not less than one square in length, and the property in front of which such street, road, lane or alley, is pitched and paved, shall be taxed for the expense of such pitching and paving, in proportion to the extent of the same in front; and all taxes for pitching, and paving, and curbing, shall be recovered as hereinafter provided : *And provided also*, That in all applications for paving as aforesaid, the owners of an undivided estate shall be entitled to but one signature; and no person, whatever may be the number of lots owned by him, shall be entitled to more than one signature on any such petition.

Recover taxes for pitching, paving and curbing.

SECTION 22. That the board of commissioners are hereby authorized to recover taxes for pitching, paving and curbing, in front of property which may be unoccupied, or if occupied, shall not contain sufficient personal property to satisfy the same, in the same manner as county rates and levies in the county of Philadelphia, are or hereafter may be by law recoverable, or may institute actions for the recovery of said assessments before any tribunal within the state, having jurisdiction of the amount claimed against the owner or owners of the said property, or their legal representatives, in front of which such pitching and paving has been or shall hereafter be done; and on all assessments for pitching, paving and curbing, the board of commissioners shall, and they are hereby authorized to recover legal interest from the time of making said assessments, together with commission of five per cent. for collecting the same.

To establish a nightly watch.

Proviso.

SECTION 23. That the board of commissioners shall have full power and authority to establish a nightly watch, and to fix so many lamps in such part or parts of said district, as from the state of improvements thereof may in their discretion appear necessary, and for the more conveniently watching the same, may divide the said district as they may think proper : *Provided*, That whenever a nightly watch shall be established, or lamps fixed as aforesaid, in any part of said district, the holders of property in such divisions, and they only, shall be assessed with the expense of maintaining the same.

Judgment of alderman and justice to be final.

Proviso.

SECTION 24. That in all cases where actions shall hereafter be brought before any justice of the peace or alderman, for the recovery of any of the fines, penalties or forfeitures, for offences against any of the laws, ordinances or regulations, that are or shall be made, ordained and established, in pursuance of this act, the judgment of the said justice of the peace or alderman shall be final : *Provided always*, That such judgment shall not exceed the sum of five dollars and thirty-three cents.

SECTION 25. That the commissioners aforesaid shall, whenever the same may to them appear necessary, appoint a superintendent of the police, who shall, during the time of his appointment, be vested with the like powers, and entitled to all the privileges, emoluments and fees, to which the constables of the said district at this time are or may hereafter be by law entitled.

SECTION 26. That the said board of commissioners, or a majority of them, shall have full power and authority to contract with the corporation of the city of Philadelphia, or any person or persons, bodies politic or corporate, for introducing the Schuylkill or other wholesome water into the said incorporated district; and upon the application, in writing, of the majority of the owners of real estate in any square or squares of any street, lane, road or alley, within the said district, to introduce into such square or squares, the Schuylkill or such wholesome water for which the said commissioners may contract, all the real estates fronting on any square or squares of such street, lane, road or alley, and such other estate as shall make use of the same, shall and may be taxed by the said commissioners, for all the expenses that may be incurred for or in laying the said pipes, and introducing the said water into such square or squares, and keeping up therein the necessary supply of water, in proportion to the respective fronts of the said real estate, calculating the said expense where the pipes are greater than six inches in diameter, as of pipes of six inches diameter, but when less than six inches, then at the actual cost thereof, and shall be liable and chargeable respectively with the same; which taxes, and the expenses of collection, shall be a lien on the same real estate respectively, and shall be paid in preference to any other subsequent lien on the same: *Provided*, That all corner lots, extending more than fifty feet in depth from any street, lane, road or alley, in which pipes shall have been already laid and the water introduced, shall pay for such excess in depth only at the same rate per foot as other property in the same street, lane, road or alley, whenever pipes are laid and water introduced into the same: *And provided also*, That all expenses incurred beyond the ordinary cost and expense of pipes of six inches diameter, occasioned by laying any pipe or pipes of a size larger than six inches; and also, all the expenses for laying the pipes along the intersection of any streets, lanes, roads or alleys, and erecting the necessary number of fire plugs, and for the repair thereof, shall be provided for and paid out of the general assessment for corporation purposes, in such manner as shall be prescribed by the said board of commissioners.

SECTION 27. That so much of any former act or acts, as is by this act altered or supplied, be and the same is hereby repealed.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

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

FRS. R. SHUNK.