

of ground, and invest the proceeds in some other productive real estate; therefore,

Isaac Heister,
trustee, author-
ized to sell cer-
tain real estate.

SECTION 5. That Isaac Heister, trustee as aforesaid, is hereby authorized and empowered to sell, at public or private sale, the said house and lot above described, and execute, make and deliver to the purchaser thereof a deed or indenture conveying the same, in fee simple, freed and discharged from the said trust, and the proceeds of sale to be re-invested in the purchase of other good and productive real estate in trust for the same uses and trusts as the same is now held.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 390.

AN ACT

Regulating the municipal and other elections in the city of Philadelphia, and to establish an uniform system of police for the city of Philadelphia and the districts of Southwark, Moyamensing, Spring Garden, Penn Township, the incorporated Northern Liberties and Kensington.

Time of holding
election.

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 hereafter the elections in the city of Philadelphia, now held on the second Tuesday of October, in the state house on Chestnut street, and the elections now held on the third Friday in March, at the respective ward houses, shall be held on the second Tuesday in October, in the respective wards at the places where ward elections are now or may hereafter be held; and the mayor and select and common councils of said city shall be elected as is hereinafter provided for.

City divided into
four election dis-
tricts for the elec-
tion of the select
council.

SECTION 2. That for the election of members of the select council, the said city shall be divided into four election districts, as follows: the first district shall extend from the Delaware river to the Schuylkill river, and from the south side of Vine street to the north side of Mulberry street, inclusive; the second district from the Delaware river to the Schuylkill river, and from the south side of Mulberry street to the north side of Chestnut street, inclusive; the third district from the Delaware river to the Schuylkill river, and from the south side of Chestnut street to the north side of Spruce street, inclusive; and the fourth district from the Delaware river to the Schuylkill river, and from the south side of Spruce street to the north side of Cedar street, inclusive; and

the qualified citizens of each of said districts shall meet in every year at the time and places hereinbefore provided, and then and there elect one member of select council for each district, who, in addition to the qualifications now required by law, shall have resided within the district for which he is elected one year next preceding such election; and should any vacancy occur by death, resignation or otherwise, the qualified voters of the district in which the member, by whose death, resignation or otherwise the vacancy was created, shall have resided, shall elect at the next election a successor, who shall fill the office for said member's unexpired term.

SECTION 3. That for the election of members of the common council, the said city shall be divided into seventeen election districts, to consist as follows: the first district shall be Upper Delaware ward; the second district Lower Delaware ward; the third district High Street ward; the fourth district Chestnut ward; the fifth district Walnut ward; the sixth district Dock ward; the seventh district Pine ward; the eighth district New Market ward; the ninth district Spruce ward; the tenth district Lombard ward; the eleventh district Cedar ward; the twelfth district Locust ward; the thirteenth district South ward; the fourteenth district Middle ward; the fifteenth district North ward; the sixteenth district South Mulberry ward, and the seventeenth district North Mulberry ward; and the qualified citizens of each of said districts shall meet in every year at the time and places hereinbefore provided, and then and there elect one member of common council for each district, except the twelfth, fifteenth, sixteenth and seventeenth districts, which shall each elect two members, who, in addition to the qualifications now required by law, shall have resided within the district for which he is elected, six months next preceding his election; and in each ward containing two precincts, the election in each precinct shall be held at separate windows: *Provided*, That nothing herein contained shall be so construed as to interfere with, or in any way affect existing laws in reference to the election or appointment of judges, inspectors and clerks of elections, except so far as relates to the time for holding the same.

For the election of members of the common council, city divided into seventeen election districts.

SECTION 4. At the said elections the mayor and select and common councils shall be voted for on one ticket, marked on the outside, "Municipal officers;" and the alderman, judge and inspectors of the election, assessors and constables, shall be voted for on one ticket, marked on the outside, "Ward officers;" and it shall be the duty of the county commissioners to furnish the officers of each election district with a separate box for municipal officers, and another for ward officers.

Mode of voting.

SECTION 5. The officers of each election district shall make triplicate returns of the election provided for by this act, one of which shall be filed in the office of the prothonotary of the court of common pleas of Philadelphia; another of which shall be transmitted to the president of the select council; and another handed to the judge of the election, to be by him delivered to the city clerk, on or before the Friday following said election; and the officers of the respective election districts shall immediately notify the member or members elect of select and common councils of their election, within forty-eight hours after the closing of the polls; and the clerks appointed by the return judges shall receive the same compensation for their services as is now allowed by law to the judges and inspectors of the general elections.

Triplicate returns.

SECTION 6. That so much of any law or laws of this commonwealth as conflicts with the provisions of this act, be and the same is hereby repealed.

Repeal.

SECTION 7. That on the second Tuesday of October next, and at the general election in every three years thereafter, the qualified voters of

Marshal of police.

- the city of Philadelphia and the incorporated districts of the Northern Liberties, Spring Garden, Kensington, Richmond, Penn, Southwark and Moyamensing, in the county of Philadelphia, shall elect one suitable person to be called "Marshal of police for the Philadelphia police district," who shall hold said office for the term of three years, if he so long behave himself well, and until a successor shall be elected and duly qualified according to the provisions of this act.
- Term of office.** SECTION 8. That all elections at any time hereafter to be held under and in pursuance of this act shall be held and conducted at the same place and hour, and in the same manner, as by the laws of this commonwealth the elections for members of the assembly for the city and for the county of Philadelphia shall then be held and conducted; and shall be subject to the same rules, regulations, penalties and provisions, in all respects and for all purposes whatsoever; the return judges for the city and the incorporated districts herein named shall meet together in the city of Philadelphia, and make up the returns of votes cast for said marshal of police, and make duplicate returns thereof, one of which shall be filed in the proper office, with the other returns of said election, and the other shall be deposited in the office of the clerk of the court of quarter sessions, for the use of the judges thereof, who shall declare who is elected, and furnish him with a certificate thereof.
- Manner of conducting elections.** SECTION 9. That said marshal so from time to time to be elected as aforesaid shall be a citizen of and resident in said city or one of said districts; he shall receive an annual salary or stipend of two thousand dollars, which shall be paid by the said city and each of said districts quarterly, in equal proportions, according to taxable inhabitants; and shall serve until his successor shall be duly elected and qualified.
- Marshal elected, to be a citizen of the city or one of said districts.** SECTION 10. That in case of the death, removal or resignation of such marshal during the term for which he shall be so elected as aforesaid, the city councils and the commissioners of each of the districts mentioned in this act, in joint meeting, shall forthwith supply his place by an election by their body, in which a majority of their votes shall govern; and the person so by them elected shall take the place of the said person who has so died, removed or resigned, and shall continue to be such marshal for the unexpired time or term for which said person was elected to serve.
- Vacancy, how supplied.** SECTION 11. That the said marshal, during his continuance in office, shall be exempted from the duties of juror, and from all military service.
- Exempt from military service, &c.** SECTION 12. That the said marshal shall, before entering on the duties of his office, take an oath or affirmation before one of the judges of the court of common pleas of the county of Philadelphia, that he will perform the duties of his said office honestly and to the best of his ability; and he shall thereupon be duly qualified and empowered to act as such marshal of police for all the purposes of said office; and he shall be vested with powers similar to those of the mayor of the city of Philadelphia and of the sheriff of the county of Philadelphia, in relation to the preservation of the peace, the prevention and suppression of crimes and misdemeanors, and the detection and arrest of offenders.
- Take oath.** SECTION 13. The said marshal (and the policemen) hereinafter mentioned, shall receive no fee, perquisite or reward for any service performed by him or them under and by virtue of this act, other than the salary herein mentioned; and any marshal or policemen who shall demand or receive any such fee, perquisite or reward, or offend in any manner against the provisions of this act, shall forfeit and pay as a penalty, double the amount of the fee, perquisite or reward so received, and also, the sum of fifty dollars for each offence, which may be sued
- Powers.**
- Marshal or policemen to receive no fees or rewards.**

for by any person in an action of debt in the corporate name of said city or districts, and recovered; one-half of the same to the use of the informer or party suing, and the other half to the use of the county of Philadelphia, to be paid to the treasurer thereof.

SECTION 14. That the said city and districts for the purposes of this act and for no other purposes whatsoever, shall form one consolidated Style. district, by the name of "The Philadelphia police district."

SECTION 15. That the said city of Philadelphia shall be divided into four sub-districts, and each of the incorporated districts named in this act shall be constituted a sub-district; and the select and common councils of the said city, and the commissioners of the several incorporated districts herein named, shall respectively elect a lieutenant of police for each of the sub-districts. City of Philadelphia divided into four sub-districts.

SECTION 16. It shall be the duty of the select and common councils of the city, and the commissioners of each of the districts aforesaid, within one month after the said marshal shall have been duly qualified, and whenever a vacancy may occur, to nominate respectively to said marshal at least three times the number of policemen required to be provided for said city and districts; and said marshal shall appoint from the names so presented, the number required; and in case of neglect or refusal on the part of said city and districts, or any of them, to nominate as aforesaid for the space of thirty days, then and in such case said marshal shall appoint absolutely; and said policemen shall hold their appointments for one year. if they shall so long behave themselves well; and said marshal shall have power to remove from office any of said policemen for any refusal or neglect to perform the duties of said office, or for incompetency or misconduct: *Provided*, That the number of said policemen shall at no time exceed one for every one hundred and fifty taxable inhabitants as enumerated at the last septennial assessment, nor less than one for every six hundred taxable inhabitants of said city and districts: *Provided further*, That all policemen or watchman who may be now or hereafter in commission under any law, ordinance or regulation, or may be appointed under this act, shall be subject to the control of said marshal of police for all the purposes of this act: *Provided however*, That all appointments made to fill vacancies shall be for the unexpired term of the person or persons in whose place they may be appointed. Select and common council, duties of.

SECTION 17. The said marshal, together with the several lieutenants of police, shall form a board of police, and make such useful rules and regulation for the proper government of the police provided for by this act, and shall keep an office in the city of Philadelphia, to be called the chief police station; at which office proper books and registers shall be kept open for the public inspection, which books and registers shall be for the record of the transaction of said board, and of the sub-districts; among the rules which said board shall adopt, shall be rules for giving prompt and efficient signals for the assembling of the police; for placing under requisition any and as many omnibusses, cabs or other modes of conveyance as may be necessary to carry the said police promptly to any point where their services may be required to put down riots; and for the assembling at least once a month in their proper district, all the police for said district, for the purpose of inspection by the said marshal of police. Board of police, duties of.

SECTION 18. That all persons who shall be organized under this act as the police force, for the police station hereby established, shall for all the purposes of this act, have full power and authority to act in any part of the city or incorporated districts aforesaid. Further powers.

SECTION 19. It shall be the duty of the marshal of police under this act, or one or more of the lieutenants of police, to be present at all fires or more lieuten-

ants to be present at all fires, &c.

occurring in said city or incorporated districts, and to aid and assist in preserving the public peace and the protection of property; and for this purpose the said board of police shall have power to make all needful rules and regulations, and require the attendance of as many of the policemen as they may think proper and necessary.

Police officers, by whom to be paid.

SECTION 20. The police officers selected by the councils of the said city, shall be paid out of the treasury thereof, and the police officers selected by the commissioners of said districts, shall be paid out of the treasury of each district respectively; it shall be the duty of the select and common councils of the city, and the commissioners of each of the incorporated districts mentioned in this act, to provide suitable and convenient station houses for the police in proper localities in said city, and each of said districts respectively, for the accommodation of said police, and for securing persons arrested by them; the compensation of said policemen who are not already, or may hereafter be appointed under any law, ordinance or regulation of said city or incorporated districts, shall not be less than one dollar per day.

Mayor, judges and aldermen to have the power of justices of the peace, &c., for the whole of said police district.

SECTION 21. That each and every mayor, judge and alderman, or other person now having, or that may hereafter have the powers of a justice of the peace and committing magistrate within and for said district, or any part of the same, may and shall be a justice of the peace and committing magistrate for the whole of said police district, for the purposes of this act and of said police and police establishment, and for no other purpose, and shall have power and be required upon the charge or complaint of said marshal, or his officers or men, or any of them, to issue a warrant for, or cause the arrest of any person or persons within said district, and to bind over or commit any person or persons held or arrested by said marshal, or his officers or men, if it be proper so to do according to law.

Duty of marshal in case of riot.

SECTION 22. That if any persons shall be unlawfully, riotously and tumultuously assembled together, to the number of twelve or more, so as to endanger the public peace of said police district, it shall be the duty of said marshal in person, or in case of his absence or inability to command, of the officer then in command of said police, to go among the said rioters, or as near to them as he can safely go, and then and there with a loud voice make proclamation in the name of the commonwealth, requiring and commanding all persons there so unlawfully, riotously or tumultuously assembled, and all other persons not being there on duty as police, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business; and if such persons notwithstanding such proclamation made, unlawfully, riotously or tumultuously remain or continue together, to the number of twelve or more after such proclamation made, then such continuing together shall be adjudged a misdemeanor, and the said offenders upon conviction thereof shall be sentenced to undergo a solitary confinement at labor in the county prison, for a period not less than one month nor more than two years, and any person arrested upon whose person, or in whose possession shall be found fire-arms, or any other deadly weapon, shall be deemed guilty of an intention to riot, whether said fire-arms or deadly weapon shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly.

Make proclamation.

Further proceedings.

If rioters continue together after proclamation to disperse, marshal and police may command all ward constables, &c., to assist.

SECTION 23. That if after proclamation made as aforesaid, or if the said marshal or other officer of police so authorized as aforesaid, shall attempt to make such proclamation, and shall be prevented by force from making the same, then after such attempt made, if such persons so unlawfully, riotously or tumultuously assembled, shall continue together and not disperse forthwith, then it shall be lawful for the said

marshal and police, and such other person or persons as shall be commanded to assist under said marshal, who is hereby authorized to command all ward constables, and citizens of age and ability to assist him therein to disperse, seize or apprehend such persons so unlawfully, riotously or tumultuously continuing together, after proclamation made or attempted to be made as aforesaid, and they are hereby required so to do, and to use all necessary force and means whatsoever for said purpose.

SECTION 24. That every person not belonging to the police force or the military force hereafter mentioned, who may be summoned, and aid and assist the said marshal in the suppression of any riot as aforesaid, in pursuance of the provisions of this act, shall be paid by the commissioners of said county of Philadelphia, the sum of one dollar for each day or part of a day that he shall be so employed, upon presenting the certificate of said marshal that he was so summoned, and that he did so aid the officer as aforesaid.

Pay of persons assisting marshal.

SECTION 25. That if in any case the said marshal or other officer of police authorized as aforesaid, shall certify in writing to the major general or other commanding officer of the military division composed of said city and county, that there is an existing riot, tumult or unlawful assemblage within said police district or said county, which the said police force under his command is not in his opinion competent to suppress without further aid, and shall require the said major general or commanding officer to assist him with the military force under his command, and the said major general or commanding officer shall give the necessary orders to the effect, that such military force or such part thereof as he shall deem necessary, shall be mustered immediately into the service of the commonwealth, and be subject to the laws applicable to such service, and shall proceed to any part of said city or county to restore the public peace, by suppressing such riot, tumult or unlawful assemblage, and by seizing and securing the offenders therein for trial and punishment according to law; and it shall be lawful for said military force to proceed in suppression of such riot, tumult or unlawful assemblage, as aforesaid, by such military force, and in like manner as in case of war or public insurrection, and the said military force shall continue and remain in service, and upon duty under military command and subordination until the said marshal shall certify in writing to the said major general or commanding officer, that said riot, tumult or unlawful assemblage is entirely suppressed; and the military body so called into service, shall be entitled to be paid while on actual duty as follows, to wit: two dollars a day to the privates, non-commissioned officers and musicians, and four dollars a day to the commissioned officers, and two dollars a day for each horse employed, which sum shall include all expenses of subsistence; the amount thereof, together with the expense of their ammunition and artillery used on such duty, shall be paid out of the treasury of said county; but such military body shall not be required to march to the place of any such riot, tumult or unlawful assemblage, until after the said marshal or other person authorized by this act to make proclamation as aforesaid, in an audible voice, and as near to the rioters or persons unlawfully assembled as he can safely and with convenience go, shall have commanded such rioters or persons unlawfully assembled, and all other persons not being then and there on duty as police or a part of his posse, civil or military, to return to their lawful homes and business.

When major general may be called to assistance.

SECTION 26. That after proclamation made or attempted to be made as aforesaid, and the continuance of said unlawful, riotous or tumultuous assemblage, notwithstanding the same, the said marshal and police, and

After proclamation made, and continuance of

unlawful assemblages, said marshal, police and other persons held harmless in case of killing, &c.

Requisition of marshal to be held conclusive evidence that the service was necessary.

Nothing in this act to be construed to impair or diminish the authority of the sheriff, &c.

Punishment for neglect of duty.

Repeal.

all and every person or persons so aiding and assisting them, and the said military force, shall be wholly discharged, held harmless and indemnified, as well against the commonwealth as against all and every other person or persons for or concerning the killing, maiming or hurting of any such person or persons so unlawfully, riotously or tumultuously continuing together as aforesaid, that shall happen to be killed, maimed or hurt in carrying out the provisions of this act.

SECTION 27. That the requisition of the marshal made as aforesaid, or other officer of police authorized as aforesaid, upon the commanding officer of any division, brigade, regiment battalion or company, shall be conclusive evidence that the service of the military were necessary for the suppression of such riot, tumult or unlawful assemblage.

SECTION 28. That nothing in this act contained shall be construed in any way to impair, diminish or restrain the duty or authority of any sheriff, coroner, mayor, alderman, justice of the peace, or other officer in this commonwealth, to suppress riots and preserve the public peace; but on the contrary it is hereby expressly declared that the said power and duty, and all others, the powers and duties of the sheriffs, coroners, mayors and aldermen, justices of the peace and other officers, shall continue and remain in as full force as they now are at common law, or by virtue of any act of assembly: *Provided always however*, That the police force and establishment hereby constituted shall be at all times subject to the order and control of said marshal or his officers, and any of them alone.

SECTION 29. The said marshal of police, lieutenants of police, and policemen hereby organized, for any neglect of their duties, or abuse of the powers hereby granted, shall, upon complaint duly made to the judges of the court of quarter sessions for the county of Philadelphia, by any citizen or other person aggrieved, be examined as to the justness of said complaint; and if upon examination said judges, or any one of them, shall be satisfied that there is sufficient cause to bind over, the said party or parties shall thereupon be bound over to take his or their trial for a misdemeanor in office; and upon conviction thereof, shall be punished as misdemeanors are now by law punishable.

SECTION 30. So much of any existing law or laws as is hereby altered or supplied, shall be and the same is hereby repealed; and so much and such parts of existing laws as are not hereby altered or supplied, are continued in full force.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.