

No. 15.

AN ACT

Legalizing certain resolutions and appropriations, made by the Commissioners of Warren county, to a certain Bridge across the Conewango creek at Russelsburg, in said county.

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 resolutions of the commissioners of the county of Warren, making appropriations to the amount of nine hundred and fifty dollars to aid in the construction of a certain bridge across the Conewango creek, at Russelsburg, in said county, be and the same are made as valid and effectual, to all intents and purposes, as if said resolutions and appropriations had been made under, and in pursuance of an act of Assembly of this Commonwealth conferring powers on the said commissioners to make such an appropriation.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—This twenty-eighth day of January, Anno Domini, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 16.

A FURTHER SUPPLEMENT

To an act, entitled "An act to incorporate the City 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 corporate name of the mayor, alderman, and citizens of Philadelphia shall be changed to "The City of Philadelphia," and the boundaries of the said city shall be extended so as to embrace the whole of the territory of the county of Philadelphia, and all the powers of the said corporation, as enlarged and modified by this act, shall be exercised, and have effect within the said county, and over the inhabitants thereof. Corporate name.

SECTION 2. The said city shall be divided into wards, as follows, to wit: Wards.

First ward, That part thereof bounded as follows: Beginning at Wharton street and the river Delaware; thence along Wharton

street to the Passyunk road; thence along the Passyunk road to Little Washington street; thence along Washington to Broad street; thence along Broad street to South street; thence along South street to the river Schuylkill; thence along the river Schuylkill to its junction with the river Delaware; thence along the river Delaware to the place of beginning, together with League island.

Second ward, That part thereof lying between Broad street and the river Delaware, and between the lines of aforesaid First ward and Christian street.

Third ward, That part thereof lying between Broad street and the river Delaware, and between Christian street, on the south, and Fitzwater, German, Mead and Catharine streets, on the north.

Fourth ward, That part thereof lying between Broad street and the river Delaware, and between the north line of aforesaid Third ward and South street.

Fifth ward, That part thereof lying between Seventh street and the river Delaware, and between South street and Chesnut street, including Wind Mill island.

Sixth ward, That part thereof lying between Seventh street and the river Delaware, and between Chesnut street and Vine street.

Seventh ward, That part thereof lying between Seventh street and the river Schuylkill, and between South street and Spruce street.

Eighth ward, That part thereof lying between Seventh street and the river Schuylkill, and between Spruce street and Chesnut street.

Ninth ward, That part thereof lying between Seventh street and the river Schuylkill, and between Chesnut street and Arch street.

Tenth ward, That part thereof lying between Seventh street and the river Schuylkill, and between Arch street and Vine street.

Eleventh ward, That part thereof lying between Third street and the river Delaware, and between Vine street and Poplar street.

Twelfth ward, That part thereof lying between Sixth street and Third street, and between Vine street and Poplar street.

Thirteenth ward, That part thereof lying between Sixth street and Tenth street, and between Vine street and Poplar street.

Fourteenth ward, That part thereof lying between Tenth street and Broad street, and between Vine street and Poplar street.

Fifteenth ward, That part thereof lying between Broad street and the river Schuylkill, and between Vine and Poplar street.

Sixteenth ward, That part thereof bounded as follows: Beginning at Maiden street and the river Delaware; thence along Maiden street to the Frankford road; thence along the Frankford road to Franklin avenue; thence along Franklin avenue to Sixth street; thence along Sixth street to Poplar street; thence along Poplar street to the river Delaware; thence along the river Delaware to the place of beginning.

Seventeenth ward, That part thereof bounded on the north by Oxford street, on the east by the Frankford road, on the south by Franklin avenue, and on the west by Sixth street.

Eighteenth ward, That part thereof bounded as follows: Beginning at Maiden street and the Delaware river; thence along

Maiden street to the Frankford road; thence along the Frankford road to Norris street; thence along Norris street to the river Delaware; thence along the river Delaware to the place of beginning.

Nineteenth ward, That part thereof bounded as follows: Beginning at Norris street and the Delaware river; thence along Norris street to the Frankford road; thence along the Frankford road to Oxford street; thence along Oxford street to Sixth street; thence along Sixth street to Lehigh avenue; thence along Lehigh avenue to the Frankford road; thence along the Frankford road to Westmoreland street; thence along Westmoreland street to the Point road; thence along the Point road to the north-east boundary of the district of Richmond; thence along the same to the river Delaware; thence along the river Delaware to the place of beginning.

Twentieth ward, That part thereof bounded as follows: Beginning at Poplar street and the river Schuylkill; thence along the said Poplar street to Sixth street; thence along the said Sixth street to Susquehanna avenue; thence along the said Susquehanna avenue to Eleventh street; thence along the said Eleventh street to Montgomery street; thence along the said Montgomery street to the river Schuylkill; thence along the same to the place of beginning.

Twenty-first ward, That part thereof lying within the present bounds of the borough of Manayunk and the townships of Roxborough and Penn, and the southern boundary thereof shall be as follows: Beginning at Montgomery street and the river Schuylkill; thence along Montgomery street to Eleventh street; thence along Eleventh street to Susquehanna avenue; thence along Susquehanna avenue to the Germantown road.

Twenty-second ward, That part thereof lying within the present bounds of the townships of Germantown and Bristol, and the borough of Germantown.

Twenty-third ward, That part thereof including all the remainder of the present county of Philadelphia east of the river Schuylkill. The said ward shall be entitled to elect four members of the common council, by separate tickets, as follows: one member shall be elected by the qualified voters residing within the present limits of the townships of Delaware, Moreland and Byberry; one member by the qualified voters residing within the present limits of the townships of Oxford and Lower Dublin; one member by the qualified voters residing within the present limits of the borough of Frankford and Whitehall; and one member by the qualified voters residing in the remainder of said ward.

Twenty-fourth ward, That part of the county of Philadelphia lying west of the river Schuylkill.

Provided, That whenever a street, road, avenue or river is named as a boundary in this section, the centre thereof shall be understood. Proviso.

Each of said wards, with the exception of the Seventeenth and Twenty-third shall, at the municipal election in eighteen hundred and fifty four, elect three members of the common council. The Seventeenth ward shall at said election elect four members by general ticket, and the Twenty-third ward shall at said election elect four members, as hereinbefore provided. Common council.

The qualified voters of each of the aforesaid wards in the said city shall, at the municipal elections in said city in the year one thousand eight hundred and fifty-five, and annually there-

after, be entitled to elect one member of the common council for every twelve hundred taxable inhabitants, and one for every fraction of six hundred or more of such taxables of said ward, according to the enumeration of taxables made in the preceding year.

Proviso.

Provided, That no ward shall have less than three common council men.

Duties of sheriff.

And it shall be the duty of the sheriff of the county of Philadelphia, in his proclamation for every municipal election in the year one thousand eight hundred and fifty-five and thereafter, to state the number of members of the common council which the qualified voters of each of the said wards shall be entitled to elect as aforesaid.

Commissioners to establish election divisions.

SECTION 3. On or before the first Monday in May, one thousand eight hundred and fifty-four, the commissioners of the county of Philadelphia, (and thereafter the city councils,) shall lay out and establish a sufficient number, not less than six election divisions in each of the wards established by the second section of this act, which divisions shall be, whenever practicable, bounded on all sides by streets, lanes, roads, alleys, avenues, streams of water, or by one of the boundary lines of said city, and shall be as nearly equal in number of taxable inhabitants as such boundaries will admit of, and shall be numbered respectively one, two, three, four and so on. The said commissioners and the said councils, when they establish the same, shall make an accurate description thereof, and cause it to be published in one or more of the daily papers of the city of Philadelphia, and shall file a copy of such description in the office of the clerk of the court of quarter sessions of the county of Philadelphia, to be and remain on record in said office, and if at any election thereafter there shall be more than four hundred votes polled in any of the said divisions, then at some period at least forty days previous to the next succeeding election, the city councils shall re-arrange the divisions of the ward or wards wherein such vote has been polled, and increase the number thereof if necessary.

Legislative power vested in the select and common councils.

SECTION 4. The legislative powers of the said city shall be vested in two bodies, to be called the select and common councils; the select council shall consist of one member from each ward, who shall have the same qualifications as is required by the constitution of this Commonwealth for members of the Senate, and shall be elected as follows, to wit: on the first Tuesday in June, one thousand eight hundred and fifty-four, the qualified voters of the First, Third, Fifth, Seventh, Ninth, Eleventh, Thirteenth, Fifteenth, Seventeenth, Nineteenth, Twenty-first and Twenty-third wards respectively, shall elect one member to serve until the Monday succeeding the first Tuesday of May, one thousand eight hundred and fifty-five, and on the first Tuesday in June, one thousand eight hundred and fifty-four, and in the same manner, the qualified voters of the Second, Fourth, Sixth, Eighth, Tenth, Twelfth, Fourteenth, Sixteenth, Eighteenth, Twentieth, Twenty-second and Twenty-fourth wards respectively, shall elect one member to serve until ten o'clock on the Monday succeeding the first Tuesday of May, one thousand eight hundred and fifty-six, and annually thereafter on the first Tuesday in May, the qualified voters of each ward in which there shall be a vacancy, shall elect one member qualified as aforesaid, to serve for two years. The members of the common council shall have the same qualifications as

are required by the Constitution of this Commonwealth for members of the House of Representatives, and shall be elected as follows, to wit: on the first Tuesday in June, one thousand eight hundred and fifty-four, the first election of members of said common council shall be held, and the persons then elected shall serve until ten o'clock on the Monday succeeding the first Tuesday in May; one thousand eight hundred and fifty-five, and on the first Tuesday in May, one thousand eight hundred and fifty-five, and annually thereafter on the first Tuesday in May the members of of the said common council shall be elected, and serve until ten o'clock on the Monday succeeding the first Tuesday in May ensuing their election: *Provided*, That no member of the State Legislature, nor any one holding office or employment from or under the State at the time of said election, shall be eligible as a member of said councils, nor shall any member of said councils during the term for which he shall be elected, hold any office or employment herein created or provided for of a municipal character.

Provided.

SECTION 5. The members of the select and common councils elected on the first Tuesday in June, one thousand eight hundred and fifty-four, shall meet at the city hall, in said city, at ten o'clock in the forenoon of the Monday succeeding their election, and shall then and there organize in separate chambers the members of each council, shall each be sworn or affirmed to support the Constitution of the United States and of the Commonwealth of Pennsylvania, and that they will discharge the duties of their office with fidelity. Each council shall elect a president and such other officers as may be deemed necessary for the transaction of business, and shall keep a journal of its proceedings, which shall be at all times open to public inspection, and on the Monday succeeding the first Tuesday in May in each year thereafter, the members of council elect shall meet as aforesaid with those whose terms have not expired, and shall take the oath of office and enter upon the duties thereof.

Meeting and organization of councils.

SECTION 6. Upon the first organization of the councils provided for in the preceding section, the city of Philadelphia as established by this act, shall be vested with all the power, rights, privileges and immunities incident to a municipal corporation and necessary for the proper government of the same, and those of the present corporation of the mayor, aldermen, and citizens of Philadelphia, and upon the said organization of councils and proclamation made by the mayor by direction of the said city councils, fixing a day therefor, not exceeding sixty days after the first Tuesday in July then next, all the powers, rights, privileges and immunities possessed and enjoyed by the following corporations respectively, and of all officers under them to wit: The commissioners and inhabitants of the district of Southwark; the inhabitants of the incorporated district of the Northern Liberties; the commissioners and inhabitants of the Kensington district; the commissioners of the district of Spring Garden; the commissioners and inhabitants of the district of Moyamensing; the commissioners and inhabitants of the district of Penn; the commissioners and inhabitants of the district of Richmond, in the county of Philadelphia; and of the districts of West Philadelphia and Belmont; of the boroughs of Manayunk, Germantown, Frankford, Whitehall, Bridesburg and Aramingo; and of the townships of Passyunk, Kingessing, Blockley, Roxborough, Germantown, Bristol, Oxford, Lower Dublin, Moreland, Byberry, Northern Liberties,

City of Philadelphia vested with all the rights, &c., of a municipal corporation

Proviso.

Proviso.

Election, qualification, and duties of mayor.

Delaware and Penn; also of the board of police of the police district; the present mayor and councilmen of the city of Philadelphia; the commissioners of the county of Philadelphia; the treasurer and auditors thereof; the county board; the commissioners of the sinking fund and the supervisors of townships, shall cease and terminate, except so much thereof as may be necessary to enable the city of Philadelphia as established by this act, to collect the outstanding debts, and make a full and complete settlement of the affairs thereof: *Provided*, That all treasurers, police and other officers of the aforesaid corporations, county and townships, shall continue to discharge the duties of their respective offices until superseded or dismissed by the authority of the city of Philadelphia, and be accountable as officers holding office under said city, and shall account for all monies in their hands through the auditor, and make payment to the treasurer of said city: *And provided*, That no corporation hereby superseded, or whose estates may by force of this act be vested in the city of Philadelphia, or the present councils, of the corporation, of the mayor, aldermen and citizens of Philadelphia, shall at any time after the passage of this act, contract any loan or debt other than for the ordinary supplies repairs and payment of labor and salaries.

SECTION 7. The qualified voters of the city of Philadelphia shall, on the first Tuesday in June, eighteen hundred and fifty-four, and the first Tuesday in May every second year thereafter, elect one person, to serve as mayor of the said city, by a plurality of votes; and in case of a tie, the councils shall order a new election: he shall serve for two years, and until his successor shall be elected and duly qualified: he shall be at least thirty years of age, a citizen of the United States, and have resided seven years next preceding his election within this Commonwealth, and the last two years thereof in said city: he shall take the usual oath of office in the presence of the councils, to be administered by one of the judges of the courts in said city, at twelve o'clock noon on the Tuesday next succeeding his election: besides the powers otherwise conferred by law, he shall have the like power and authority as the sheriff of the county of Philadelphia now has for the suppression of any riot, disturbance, and violation of law; and shall exercise the authority of making the requisition for the commanding officer of the military, in lieu of the marshal of police as now authorized by law, and of dismissing all police officers and watchmen, other than the marshal of police, for failure in the discharge of duty: it shall be the mayor's duty to communicate to councils, at least once a year, and oftener if deemed expedient, a general statement of the condition of the city in relation to its government, finances and improvements; to recommend the adoption of all such measures as he may deem expedient for the security, health, cleanliness, improvement, and welfare of the city; to be vigilant and active in causing the laws and ordinances of the city to be duly executed, for which purposes the marshal of police, all policemen and watchmen shall obey his orders, and make report to him when acting under his orders; and he shall exercise a constant supervision and control over the conduct of all subordinate officers, receive and examine all complaints preferred against them, and generally perform all such duties as may be prescribed by the laws and ordinances of said city, and of this Commonwealth; and he may call special meetings of the coun-

cils whenever any public emergency may require: every ordinance which shall have passed both councils, shall be presented to the mayor, if he approve, he shall sign it, but if he shall not approve, he shall return it, with his objections, to the council in which it originated, which shall proceed to re-consider it: if, after such reconsideration, two-thirds of that council shall agree to pass the ordinance, it shall be sent, with the objections, to the other council, by which likewise it shall be reconsidered, and if approved by two-thirds of that council also, it shall be a binding ordinance: in such cases the votes of both councils shall be determined by yeas and nays, and the names of members voting shall be entered on the journals: every ordinance which the mayor shall not so return within fifteen days, shall take effect as if it had been approved: the mayor may approve ordinances in vacations of councils, and may call special meetings of councils, to reconsider ordinances which he does not approve, on three days' notice to each member: in case of his temporary absence or inability to act, the councils shall appoint a mayor, to serve until he shall resume the duties of his office; and whenever a vacancy shall occur in the office of mayor by death or otherwise, it shall be the duty of the select and common councils, in joint meeting, forthwith to elect *viva voce*, a person qualified as aforesaid to serve as mayor, who shall continue in office until the Tuesday succeeding the next city election, and until his successor shall have been duly elected and qualified: the mayor shall receive a salary to be fixed by councils, which shall not be increased nor diminished during the term for which he shall have been elected: the police officers, policemen and watchmen, shall receive the compensations to be fixed by ordinance of said councils; and it shall be a misdemeanor in office, for any of them to receive any other compensation or reward, to be followed by dismissal from service.

SECTION 8. The qualified voters of the said city shall, on the first Tuesday of May, eighteen hundred and fifty-seven, and on the first Tuesday in May in every second year thereafter, elect a marshal of police, who shall receive the salary, and do and perform all the duties, and exercise the powers now enjoined or conferred upon him by law, except so far as hereby modified, and all such others as may by law or ordinance be enjoined or conferred upon him as chief of the police, and that throughout the entire limits of said city: he shall execute the orders and warrants of the mayor, and make report to him; and have the command of all policemen and watchmen, for the preservation of the peace and execution of process, and may suspend them from service and pay, until the decision of the mayor be obtained; and until such election, the present marshal of police shall continue to hold the office, and exercise the powers, and perform the duties of marshal of police as by this act modified.

Marshal of police.
his election and
duties.

SECTION 9. The powers conferred by law on the police board of the police district shall be exercised by the city councils: they shall fix the whole number of supervisors of highways, policemen and watchmen, for the service of the whole city: the councilmen, for the respective wards, shall nominate three times the proportionate number of the whole number of supervisors, and no more, to the mayor; from which nominees the mayor shall appoint the proper number to be the supervisors, taking one of the nominees of the councilmen of the respective wards, and in like manner all vacancies shall be filled: the councils shall, in

Duties of city
councils.

joint meeting, and by *viva voce* vote, appoint all the heads of departments not elective; and shall provide by ordinance, for the appointment of clerks and officers, except the mayor's clerk, who shall be appointed by the mayor, and the marshal's clerk, who shall be appointed by the marshal, all of whom shall serve for such periods as may be fixed by ordinance, subject to dismissal by the appointing power or superior officer, as such ordinance may provide: the head of each department shall nominate, and by and with the advice and consent of the select council, appoint the clerks and officers in his department: the mayor shall nominate, and by and with the advice and consent of the select council, appoint the policemen and watchmen.

City treasurer,
his election and
duties.

SECTION 10. The qualified voters of the said city shall, on the first Tuesday in May, one thousand eight hundred and fifty-five, and until such election the present city treasurer shall continue to be the city treasurer, and on the first Tuesday in May in every second year thereafter, elect a city treasurer to serve for two years from the first Monday of July next, succeeding such election. He shall give bond to the city conditioned for the faithful performance of his duty, in such amount as the city councils shall direct, and shall, before he enters upon his office, take and subscribe an oath or affirmation, honestly to keep and account for all public monies and property entrusted to his care, and if such treasurer shall knowingly violate said oath, he shall be deemed guilty of perjury, and on conviction thereof in the proper court, be sentenced to undergo solitary imprisonment at hard labor in the Eastern penitentiary, for the term of not less than one or more than ten years. Any vacancy in said office shall be filled by the city councils, by *viva voce* vote in joint meeting. No money shall be drawn from the treasury of the city, except the same shall have been previously appropriated by councils to the purpose for which it is drawn; the accounts to be kept by the said city treasurer shall exhibit all the receipts and all the expenditures of the city in an intelligible manner, in the form of accounts current, in which the particulars of each item of charge and discharge shall fully and precisely appear. Any citizen may, on the payment of a fee of twelve-and-a-half cents, to be paid to the said city treasurer for the use of the city, inspect the said accounts, and for a further fee of fifty cents and one cent per line of ten words, to be paid for the use of the city, the treasurer shall, on request of any citizen, furnish a transcript of any part thereof. It shall be the duty of the councils of the said city to provide, and said treasurer to pay, on or before the twenty-fifth day of July, eighteen hundred and fifty-six, and in each year thereafter into the treasury of the State, the amount of the State tax assessed within the limits of the said city, deducting all allowances made by law, and said treasurer elected as aforesaid, before he enters upon the office, give bond with sureties, to be approved by the judges of the court of common pleas in Philadelphia county, in such sum as they shall direct, conditioned for the safe keeping of and accounting for all monies received by him for the use of the State; the said treasurer shall keep the public monies in such place and manner as the city councils shall direct, and shall verify his cash account at least once every week, to the satisfaction of a standing committee of councils, and upon the affidavit of a majority of such committee of any default therein, the said treasurer shall be suspended from office until the further action of councils, and

the court of common pleas of Philadelphia county shall, upon said affidavit and cause shown, forthwith issue a writ of sequestration to the sheriff of the county against such defaulter for the amount of such default, to be levied of all his property, estate and effects in favor of said city, which writ shall be a lien thereon from the issuing thereof, with a clause of attachment contained therein, directing the sheriff to arrest the body of such defaulter to answer the said charge on the day certain, on which day the said court shall inquire of the premises and enter judgment thereon as may be just, or in their discretion award an issue to try the disputed facts, and if the said court upon such hearing, shall be satisfied that there is probable cause to believe that such treasurer has committed the crime of perjury, as mentioned in this section, it shall be their duty to commit him for trial at the next court of quarter sessions of said county.

SECTION 11. The qualified voters of the said city shall, on the first Tuesday in May, one thousand eight hundred and fifty-six, and biennially thereafter, on the first Tuesday in May, elect one person, who shall be denominated receiver of taxes, to serve for two years, and until a receiver of taxes shall be elected and qualified, the treasurer of the county of Philadelphia, elected on the second Tuesday in October, one thousand eight hundred and fifty-three, shall perform all the duties and be liable to all the obligations and penalties prescribed by this act for said receiver of taxes. And it shall be lawful for the select and common council, to relieve the said treasurer of the county of Philadelphia from the performance of any duties now imposed by law on said treasurer. He shall give bond and be sworn or affirmed to perform his duty in like manner as the city treasurer. He shall collect and receive all taxes and public assessments payable and receivable within the limits of the said city, and for that purpose shall have and exercise all the powers conferred by law in that behalf, and shall have the assistance of the necessary clerks, to afford proper facilities to all citizens to pay their taxes at all business hours of the day. It shall be the duty of the city commissioners to place the duplicates of taxes in the possession of the said receiver of taxes as early as practicable, in the year for which the taxes shall be assessed. And the said receiver shall make allowance to all tax-payers who shall pay their taxes in the year for which they are assessed, at the rate of twelve per cent. per annum, from the date of payment until the end of such year. All taxes remaining unpaid on the first day of January in each year, shall continue a lien upon the real estate upon which they are levied, in like manner as if registered in the county commissioner's office under existing laws. In case legal proceedings are commenced, there shall be an additional charge of five per centum upon all sums, and the receiver of taxes shall render each day to the city controller an account of each item of his receipts, and daily pay the same into the city treasury. The said receiver shall cause an agent to attend for him at least two days in the month of June, and each succeeding month of the year, to receive the taxes owing by persons resident within the wards in which the following places are situated, to wit: at Germantown, Frankford, Manayunk, Bustleton, Holmesburg, Somerton, Hestonville, Haddington and Paschallville, and give notice of the time and place of attendance in at least two newspapers, not less than three times, one of which papers shall be that in or nearest to the ward where the

Election of receiver of taxes, his duties, &c.

taxes are owing, and the aldermen in every ward shall be authorized and required at all times to receive the personal taxes of persons resident therein, for which purpose they shall each be furnished with a tax list of such taxes as early in the year as they can be made out, and not later than the first of June in each year, and such aldermen shall receive therefor ten per centum for receiving and paying over such taxes, which they shall do at least once in each month to the receiver of taxes or his agent. And each of said aldermen shall, under the penalty of one hundred dollars to the said city, be in attendance at his office for the purpose of receiving the same on the day of any election. The said receiver shall immediately after the first day of December, annually give public notice in at least four of the public newspapers of said city for ten days, to all persons who shall have omitted to pay their taxes, or pay them before the first day of January, and that if not paid by that time a warrant will issue to collect the same, and it shall be the duty of the receiver to issue his warrant after the fifteenth day of said month of January, directed to any constable of said city or county, commanding him to levy said taxes with all charges accrued thereon, of any goods or chattels of the delinquent wheresoever found, and to make sale thereof after advertisement, as in cases of distress for rent, which warrants shall be returnable within thirty days.

Provided.

Provided, That if any person against whom such taxes shall have been assessed, shall make affidavit that he did not own the premises for which such taxes were assessed at the time they accrued and became a lien thereon, the said taxes shall be collected of the true owner thereof, or by proceeding to sell the premises by execution. And the said receiver of taxes shall furnish certificates of all taxes and claims which are a lien on real estate, and receive therefor twenty-five cents for each certificate, and five cents for each lien and claim certified.

City controller,
his election, term
of service, duties,
&c.

SECTION 12. The qualified voters of the said city shall, on the first Tuesday in June, one thousand eight hundred and fifty-four, and on the first Tuesday in May in every second year thereafter elect a city controller, to serve for the term of two years from the first Monday in July next succeeding his election. He shall, before entering upon his office, take and subscribe an oath or affirmation faithfully to discharge the duties thereof, and if he shall knowingly violate said oath or affirmation, he shall be subject to the same penalty as is provided by the tenth section of this act in regard to the city treasurer. It shall be the duty of the said city controller to scrutinize, audit and publish in two or more newspapers annually, verified by his oath or affirmation, the public accounts of the said city and the trusts in their care, exhibiting all the receipts and expenditures of the city, the sources from which the revenues and funds are derived, and in what manner the same have been disbursed, each account to be accompanied by a statement in detail in separate columns, of the several appropriations made by the city councils, the amount drawn on each appropriation, and the balance standing to the debit or credit of each such appropriation. He shall countersign all warrants on the city treasurer, and shall not suffer any appropriation made by the city councils to be overdrawn, and shall perform all the duties now enjoined by law on the county auditors. He shall superintend the fiscal concerns of the city

in such manner and make reports thereon at such times as shall be prescribed by ordinance.

SECTION 13. The qualified voters of the said city shall, on the first Tuesday in June, one thousand eight hundred and fifty-four, and annually thereafter on the first Tuesday of May, elect one person for city commissioner, to serve three years from the Monday next succeeding his election: *Provided*, That those three who shall first be elected shall not enter upon their duties until the terms of service of the present county commissioners shall respectively expire, and the present county commissioners shall serve as such city commissioners for the periods for which they have been respectively elected county commissioners. The city commissioners, under the direction and control of the city councils, shall be charged with all duties relating to assessors and to assessments, to the selection and drawing of jurors, and to elections and election officers that are now performed by the county commissioners, and all other duties now performed by the commissioners of the county not otherwise provided for in this act. They shall, together with the city treasurer and receiver of taxes, perform the duties of a county board of revision, according to the laws in force in other counties of this Commonwealth, and hear the appeals of the tax-payers. And they shall correct all irregularities in valuation, both as respects individual cases and wards, and complete the same before the end of the year in which the valuations shall be made for the tax of the succeeding year. If in equalizing the valuation of the property in the several wards, an addition of ten per centum be made to the returns of the assessor of any ward, twenty freeholders of such ward may, by writing filed within ten days, take an appeal from such decision to the councils, whose decision thereon shall be final.

City commissioner, his election, duties, &c.

SECTION 14. The city councils shall annually nominate, and the mayor shall as hereinbefore provided, appoint the requisite number of supervisors of streets and roads for the different wards, who shall be under the direction and accountable to the commissioners of highways, who shall be appointed by the said councils annually, and whose numbers and duties shall be prescribed by ordinance.

Supervisors, appointment of.

SECTION 15. The select and common councils shall establish a law office, in which shall be deposited and preserved all patents, deeds, wills, leases, mortgages, and other assurances of title,^s together with all contracts, bonds, notes, official bonds, books, and other evidences of debt belonging to the said city, and all other papers which the said city councils may direct: the qualified voters of said city shall, on the first Tuesday in June, eighteen hundred and fifty-four, and on the first Tuesday in May biennially thereafter, elect one person learned in the law to act as solicitor of said city, whose duties shall be prescribed by ordinance, and who shall be allowed to employ such number of assistants as councils may prescribe: the said solicitor shall hold his office for the term of two years, and until his successor shall be duly qualified.

Law office to be established.

SECTION 16. On the first Tuesday in June, one thousand eight hundred and fifty-four, and on the first Tuesday in May in every year thereafter, until otherwise provided by law or ordinance, the qualified voters of each of the wards of the said city shall elect one citizen, who shall have and possess the qualifications that the members of the Senate are required to possess, to serve

Member of the board of health, his election, &c.

as a member of the board of health: they shall each take the usual oath of office, and enter upon the duties thereof on the first Monday in July next succeeding their election: the members of the board of health, elected in the city of Philadelphia on the first Tuesday of June, A. D., eighteen hundred and fifty-four, shall meet on the morning of the first Monday in July of the same year, at ten o'clock, and on the first Monday of July in each year, at the same hour, organize themselves into a board, and shall elect a president, and such other officers as may be necessary for the proper transaction of the business of the said board; and upon such organization shall thereby supersede the present members and officers of the board of health, and thereupon all the estate whatsoever, real, personal and mixed, that shall then be by law or otherwise vested in, or in possession of the board of health, shall be forthwith vested in the city of Philadelphia, subject to all the trusts, conditions and liabilities now legally applicable thereto; and all laws of this Commonwealth creating, governing, and regulating the board of health, not inconsistent herewith, shall continue in force and operation, and shall govern and regulate the board of health of the city of Philadelphia, except as to farmers manuring land and keeping stock in the strictly agricultural districts, as the same may hereafter be altered by law or ordinance; and all sums of money due, payable to, or received by the board of health, shall be paid into the city treasury; and all sums expended by, or for the purposes of the board of health, shall be paid by the city treasurer, upon orders drawn under appropriation regularly made by councils: and upon the same days in the present and each succeeding year, the qualified voters of each ward shall elect one person of like qualifications, who shall take the same oath or affirmation, to serve as prison inspectors, of the county prison, for the same period of time, who shall, on the first Monday in July in the same year, at ten o'clock, A. M., organize themselves as a board to perform all the duties belonging by law to said office; and upon such organization shall thereby supersede the existing board of prison inspectors.

Prison inspector.

Election of assessors.

SECTION 17. On the first Tuesday in June, Anno Domini, one thousand eight hundred and fifty-four, and on the first Tuesday in May in each year thereafter, the qualified voters of each ward of the said city shall elect two assessors, who shall have and possess the qualifications that members of the Senate are required to possess, who being duly qualified, shall do and perform within their respective wards, all the duties that the usages and laws of this Commonwealth now enjoin upon assessors and assistant assessors: *Provided*, That the qualified voters residing within the limits of the townships of Byberry, Moreland, Delaware, Lower Dublin and Oxford, in the twenty-third ward, shall in like manner elect two assessors, and the qualified voters of the remaining portions of said ward, shall in like manner elect two assessors: and at all elections of such assessors, each voter shall vote for one assessor, and the two candidates having the highest number of votes shall be elected: the city commissioners shall, immediately after such election in each year, issue their precept to the said assessors of the respective wards, requiring them to make out and return, within such time as the said commissioners shall designate, not later than the first day of September following, a just and perfect list, in such form as the commissioners shall direct, of all the taxable persons residing within their

wards respectively, and all property taxable and exempt by law, with a just valuation of the same; and whenever the assessors of any ward cannot agree upon the valuation of any property, the city commissioner, senior in office, shall be umpire and decide: the office of assistant assessor within the said city is hereby abolished: the duty of making extra assessments now enjoined by law upon the officers of election, shall be exclusively performed by the assessors: the assessors of each ward shall meet, for that purpose, in their respective wards on the thirteenth day prior to the second Tuesday of October annually, and continue their session from one o'clock, P. M., to ten o'clock, P. M. each day, for three successive juridical days, and public notice of the time and place thereof shall be given by the city commissioners in two or more daily newspapers of the said city, ten days prior thereto: each assessor shall return the names of one-half of the number of jurors within his ward, required for each year, and the precept of the city commissioner, to the assessors, shall conform to this provision: any assessor who shall receive any reward for returning, or omitting to return, the name of any person to serve as juror, and any person who shall offer or give such reward, shall forfeit the sum of one hundred dollars to the said city, to be recovered before any alderman: each assessor shall receive an annual sum, in lieu of all other compensation, to wit: for the year ending May, Anno Domini, one thousand eight hundred and fifty-six, and for every third year thereafter, the sum of four hundred dollars, and for all other years the sum of three hundred dollars per annum.

SECTION 18. On the first Tuesday in June, Anno Domini, one thousand eight hundred and fifty-four, and on the first Tuesday in May in every year thereafter, until otherwise provided by law or ordinance, the qualified voters of each of the wards of the city of Philadelphia shall elect one citizen, who shall have and possess the qualifications that the members of the Senate of this Commonwealth are required to possess, to serve as guardian of the poor of the said city: they shall enter upon the duties of their office on the first Monday in July of each year, and shall each take an oath or affirmation, to be administered by any alderman of the said city, that he will discharge the duties of the office of guardian of the poor, truly and impartially, to the best of his ability: *Provided*, That the existing arrangements for the support of the poor in the boroughs and townships of Manayunk, Roxborough, Germantown, Bristol, Frankford, Whitehall, Oxford, Lower Dublin, Delaware, Moreland and Byberry, shall remain and continue until they are changed and altered by the councils of the city of Philadelphia; and while those arrangements continue, no election shall be held under the provisions of this section for guardians of the poor in the twenty-first, twenty-second, and twenty-third wards of said city: *Provided*, That in the districts within the twenty-first, twenty-second, and twenty-third wards, where houses for the accommodation of the poor are provided, no change shall be made without the consent of the qualified voters of the respective districts containing the respective institutions for the support of the poor.

Guardian of the poor, his election, &c.

Proviso.

Proviso.

SECTION 19. The guardians of the poor elected in June, Anno Domini, one thousand eight hundred and fifty-four, in accordance with the provisions of the preceding section, shall meet at the alms-house, in the city of Philadelphia, at ten o'clock on the morning of the first Monday in July of the same year, and also

Meetings of guardians of the poor.

on the same day and hour yearly thereafter, and organize themselves into a board, and shall elect a president and such other officers as may be necessary for the proper transaction of the business of such board; and upon such organization all the estate whatsoever, real and personal, that shall then be by law or otherwise vested in, or be in possession of the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn, shall forthwith vest in the city of Philadelphia, subject to all the trusts, conditions and liabilities now legally applicable thereto, and the present guardians and officers of said body shall cease their functions, and the said elective guardians shall become vested with all the powers, faculties, rights, privileges and immunities of the present guardians of the poor, and subject to the performance of the duties thereof, except as hereby otherwise provided; and all laws of this Commonwealth creating, governing, and regulating the said corporation, shall continue in force and operation, and shall govern and regulate the guardians of the poor of the city of Philadelphia, except as the same may hereafter be altered by law or ordinance; and all sums of money due, payable to, or received by the board of guardians of the poor, shall be paid into the city treasury; and all sums expended by, or for the purposes of the board of guardians of the poor, shall be paid by the city treasurer, upon orders drawn under appropriations regularly made by councils.

Directors of public schools, their election, &c.

SECTION 20. On the first Tuesday in June, one thousand eight hundred and fifty-four, the qualified voters of each of the wards of the city of Philadelphia, except the twenty-first, twenty-second, twenty-third and twenty-fourth wards, shall elect twelve citizens qualified to serve as members of the Senate of this Commonwealth, four of whom shall be elected to serve for one year, four for two years, and four for three years, as directors of public schools; and on the first Tuesday in May in each year thereafter, the qualified voters of each of the said wards shall elect four citizens, of like qualifications, to serve as directors of public schools for three years; they shall enter upon the duties of their office on the first Monday in July next succeeding their election: at the first election held under this act, each of the qualified voters of said ward shall vote for nine directors, and the twelve highest shall be elected, three to serve for one year, three to serve for two years, and three to serve for three years; and at future elections each qualified voter shall vote for three directors, and the four highest shall be elected: *Provided*, That the qualified voters within the twenty-first, twenty-second, twenty-third and twenty-fourth wards shall elect, in the same election districts as heretofore, the number of school directors as are now by law allowed, except the territory included in the boroughs of Frankford and Whitehall, which shall be separated from the township of Oxford in the election of school directors, and the qualified voters of the said boroughs of Frankford and Whitehall shall elect three directors of public schools, and the qualified voters of the township of Oxford shall elect three directors, and the qualified voters in the territory included within the bounds of the township of the unincorporated Northern Liberties, and the boroughs of Aramingo and Bridesburg, shall elect three directors of the public schools.

Provide

Each ward to constitute a school section.

SECTION 21. For public school purposes, each ward shall constitute a school section, and the board of controllers shall have

full power to apportion the school houses, and distribute the duties of the directors of the schools to, and for all or any of the wards of the city, in such manner as the board of controllers shall direct: the directors of each section shall meet and organize on the first Monday of July next succeeding their election, and upon such organization shall have and possess all the powers, rights, privileges and immunities that shall then be by law or otherwise vested in the school directors of the several sections of the first school district; and from and after such organization, all the rights, privileges and immunities of the school directors last named, shall cease and terminate; and all laws of this Commonwealth regulating and governing the school directors last named shall cease to operate with regard to them, but shall continue in full force and operation for regulating and governing the school directors elected and organized in accordance with the provisions of this act: in case of any vacancy occurring in either of the sectional boards of school directors by death, resignation or otherwise, such vacancy shall be filled by the remaining directors of the ward wherein such vacancy exists; and the director chosen to fill such vacancy being properly qualified, shall continue to serve for, and during the time the director, whose vacancy he fills, could have served and no longer.

SECTION 22. The school directors of each ward of the city of Philadelphia for the ensuing year shall, on the third Tuesday of June, of each and every year, elect one of their own number a controller, to serve for one year, and shall give him a certificate of such election: the controllers thus elected, shall each be sworn or affirmed that he will discharge the duties of the office of controller of public schools with fidelity to the best of his ability, and they shall enter upon the duties of their office on the first Monday in July next succeeding their election: the controllers elected in the year one thousand eight hundred and fifty-four, shall meet at ten o'clock, A. M., on the first Monday in July of that year in the room of the controllers of public schools in the city of Philadelphia, and shall then and there organize themselves into a board, and shall elect a president and such other officers as they may deem necessary, to serve for the term of one year, and upon such organization, shall have the name and style of the The Controllers of Public Schools of the first school district of Pennsylvania: And on the first Monday of July in each year thereafter, the controllers shall meet as aforesaid, and shall take the oath of office and enter upon the duties thereof: The president and other officers of the board shall be elected annually on the first Monday in July.

SECTION 23. Immediately upon the organization of the said board of controllers, all property real and personal, all trusts and trust funds, and all estate, rights, privileges and immunities whatsoever, that are or shall be by law or otherwise vested in, owned, possessed or enjoyed by, or that in any wise appertain to the corporation created by the act of Assembly passed April sixteenth, Anno Domini, one thousand eight hundred and forty-five, entitled "An act relating to the controllers of the public schools of the city and county of Philadelphia," shall be vested in and be held, possessed and enjoyed by the city of Philadelphia, subject to all the trusts, conditions and liabilities now legally applicable thereto, and all sums of money due, payable to or received by the board of controllers, shall be paid into the city treasury, and all sums expended by or for the purposes of

School directors of each ward to elect one of their number a controller.

Property, &c. vested in controllers of public schools to be vested in the city of Philadelphia.

the board of controllers, shall be paid by the city treasurer, upon orders drawn under appropriations regularly made by councils.

Two aldermen to
be elected for
each ward.

SECTION 24. There shall be two aldermen in each of the wards of the city of Philadelphia; those aldermen and justices of the peace who are in office at the time of the passage of this act, shall continue to reside and hold their offices within the limits of the ward, township or borough in which they were originally elected: In any ward of the said city where there shall be more than two aldermen or justices of the peace residing and holding their offices at the time of the passage of this act, the number thereof shall be reduced to two as their commissions shall respectively expire, unless the qualified voters of such ward shall vote to increase the number thereof: The aldermen of the said city shall be elected in each ward by the qualified voters thereof, on the first Tuesday in May, in accordance with the provisions of the act of Assembly of June twenty-first, Anno Domini, one thousand eight hundred and thirty-nine, entitled "An act providing for the election of aldermen and justices of the peace," and the acts supplementary thereto: It shall be lawful for councils to designate and appoint as many of the aldermen of the said city as the public welfare may require to be police or committing magistrates, who shall receive such compensation as councils may provide and pay, and it shall not be lawful for any aldermen in said city to take fees in criminal cases, but nothing herein contained shall be taken to impair the powers or diminish the duty of any and all aldermen and constables to be conservators of the peace, and to execute the criminal laws of the Commonwealth: *Provided*, That nothing herein contained shall be so construed as to prohibit any alderman now in commission from becoming a candidate for re-election to that office.

Proviso.

In elections for
members of Con-
gress voters shall
continue to vote
at their respective
Congressional dis-
tricts.

SECTION 25. Until otherwise provided by law, in all elections for members of Congress, the qualified voters of the said city shall continue to vote in their respective congressional districts as now by law established, as if this act had not been passed, and if any election division shall happen to comprise portions of two congressional districts, an additional and separate box shall be provided for the election officers of such division. Until otherwise provided by law, in accordance with the provisions of the constitution, the existing districts in the city and county of Philadelphia shall continue without change for the election of Senators and Representatives to the Legislature of Pennsylvania, and thereafter the said Representatives may be chosen in separate election districts, as they shall be established by law.

Two constables to
be elected for each
ward.

SECTION 26. On the first Tuesday in June, Anno Domini, one thousand eight hundred and fifty-four, and on the first Tuesday in May in each year thereafter, the qualified voters of each ward of the city of Philadelphia shall elect two constables; they shall be qualified as the laws of this Commonwealth require such officers to be, and shall, upon entering the requisite security, be commissioned by the court of quarter sessions of the county of Philadelphia; they shall be under and subject to the same legal penalties, do and perform all duties that the usages and laws of this Commonwealth enjoin upon such officers: *Provided*, That the qualified voters within the twenty-first, twenty-second, twenty-third and twenty-fourth wards shall elect the same number of constables as now by law allowed, and the constables in said wards shall be elected by separate districts, each district embracing the qualified voters of said wards, respectively resi-

Proviso.

ding within the bounds of the present districts for electing constables, in like manner as if this act had not been passed.

SECTION 27. The councils of said city shall appoint a competent number of skillful surveyors and regulators to perform the duties required by law; the duties of such officers to extend respectively over convenient limits to be prescribed by said councils, and said officer shall keep a record of their respective regulations for the use and as the property of said city, and receive such compensation for their services as may be fixed by ordinance, and shall continue in office during good behavior, and on the termination of their official service, the records kept for public use shall be delivered up to their successors in office: And such number of said surveyors and regulators shall be organized into a board under a head, for such purposes relating to surveys, the planning of the city, the building of bridges, the construction of sewers and grading of highways as councils may declare by ordinance, which board may hear by appeal, and if neither party before a hearing shall have appealed to court shall finally decide upon all questions of party lines, the position and thickness of party walls, of the condemnation thereof for insufficiency, and of the proper structure of new buildings and the party walls thereof, so as to secure the safety and health of the citizens under the statutes in force in said city: *Provided*, That nothing herein contained, shall alter or interfere with any survey or regulation made or directed to be made under the several laws of this Commonwealth, of any portion of the county of Philadelphia, but the same shall be completed, or if already confirmed shall remain unalterable as therein provided, unless said alterations shall be ordered by a resolution of said councils and approved by the court of quarter sessions, upon public notice previously given for the space of thirty days, in at least two of the daily newspapers of the said city, until otherwise provided by ordinance: *And provided further*, That in any alteration that may be made of the regulations of any portion of the city in conformity with the provisions of this section, whereby damage may ensue to private property, compensation shall be made for such damage, to be ascertained and paid by law, as in case of damage for opening streets. All official acts and proceedings of the surveyors and regulators shall be returned to the head of the said board, to remain in his office, from which certified copies shall be made and furnished on request, in the same manner and for the same compensation as copies are furnished from the land department of this Commonwealth.

Councils to appoint skillful surveyors and regulators.

Proviso.

Proviso.

SECTION 28. The select and common councils shall elect in joint meeting by *viva voce* vote, at the last stated meeting in the month of September next, sixteen citizens having proper knowledge of the duties for port wardens, eight of them to serve for one year and eight of them for two years from the first day of June, Anno Domini, one thousand eight hundred and fifty-five, and thereafter on or before the last stated meeting of councils in May in each year, elect eight such citizens to serve for two years as port wardens, from the first day of June then next succeeding, who, together with the master warden, shall do and perform the duties which do now or may by law or ordinance, hereafter belong to the port wardens: It shall be the duty of the said councils, after the requisite surveys and soundings shall have been made to fix the lines, beyond which no wharf or pier shall be constructed, and to keep the navigable waters within said city forever

Councils to elect sixteen citizens as port wardens.

open and free from obstructions: The city councils shall authorize the construction of wharves upon a plan and scale to meet the demands of commerce, keep the same and the avenues leading thereto open and free from obstruction, and shall moreover provide from time to time, for the more convenient selection, appointment, regulation and compensation of pilots navigating to and from the said city, and for the greater security and better disposition of vessels within the port of the same, and they may enact ordinances for the purposes in this section mentioned.

Duties of sheriff
as to elections.

SECTION 29. It shall be the duty of the sheriff of Philadelphia city and county, to give notice of all elections held under the provisions of this act, designating the officers to be elected and the time and place of such election; such notice shall be by proclamation and advertisement in at least two daily newspapers published in the city of Philadelphia, at least twenty and not more than thirty days prior to every election, and the expenses of such advertising shall be paid out of the treasury of the city of Philadelphia; the county commissioners of the county of Philadelphia shall immediately prior to the first election in the city of Philadelphia, and the city commissioners thereafter, shall have the respective places appointed for holding such elections put in convenient and proper order for holding and conducting the same, shall furnish to the election officers of each division the necessary blanks, stationery, et cetera, and a list of the taxable inhabitants of such division, and shall generally do and perform such duties appertaining to elections, as they would be required by law or usage to perform had the elections or the election districts of the said city not been changed or altered: *Provided*, That the sheriff and other officers shall do and perform all the duties in relation to the elections under this law, which are enjoined upon them by the general election laws now in force, unless otherwise provided by the act.

Proviso.

Elections, when
to be held.

SECTION 30. The general, special, municipal and all other, except military elections, by the qualified voters of the city of Philadelphia, shall be held in the respective election divisions of the wards of the said city; the said elections shall be open at or before eight o'clock in the morning, and close at seven o'clock in the evening, and the tickets to be voted at the municipal elections in the city of Philadelphia shall be on separate pieces of paper, on which shall be written or printed the name of the office to be filled, and immediately under the name of the office, the name or names of the person or persons voted for to fill such office; in all general and special elections within the city of Philadelphia, each ward of the said city shall be an election district and have a return judge, and the return judges of the city of Philadelphia shall meet at the State House in the said city.

Election on the
first Tuesday in
June, A. D. 1854,
how held and con-
ducted.

SECTION 31. The election on the first Tuesday in June, Anno Domini, one thousand eight hundred and fifty-four, shall be held and conducted by election officers as follows: Each and every set of officers, that is the judge and two inspectors, who shall have been respectively elected at the same poll, and who shall reside within the several wards respectively, as fixed by the second section of this act, shall hold and conduct the election at one of the election divisions of such ward, and if it shall so happen that all the election officers who shall have been elected at the same poll, shall not reside within the bounds of any one of the wards fixed by the second section of this act, then and in that case such set of officers shall act as aforesaid, in the ward

in which a majority of such officers shall reside : The said officers by sets and not individually shall, in case of difficulty or misunderstanding, determine by lot the election division in which they shall act : The court of common pleas of Philadelphia county is hereby vested with power to settle summarily, any question that may arise concerning the officers to conduct said elections, and also to direct, according to the true intent and spirit of this act, which set of election officers shall act as aforesaid, in any case or exigency which may arise or exist not provided for by this act, and any vacancy that shall exist and continue for half an hour after the earliest time fixed by law for the opening of the polls, shall be filled in the manner now provided by law, and on the first Tuesday in June aforesaid, and on the first Tuesday in May in each year thereafter, the qualified voters of each of said election divisions shall elect, in the manner prescribed by law, one person to serve as judge and two persons to serve as inspectors of elections for one year, each voter however to vote for one inspector.

SECTION 32. It shall be the duty of the judge of election in every election division of said city, at every general, municipal and special election, to make out and subscribe on the night of such election, a certificate of all the votes given at such election division for every office voted thereat, and it shall be the duty of the judge to deliver the same to the prothonotary of the court of common pleas on the day succeeding such election, before noon of that day, which certificates shall be open to the inspection of any citizen, and any judge who shall fail to deliver such certificates as aforesaid to the said prothonotary, shall forfeit fifty dollars : And the said prothonotary shall, on the second day after such election, make out and deliver to the sheriff of the said county, a certified list of the judges of each and every division from which such certificate shall not have been received as aforesaid, with a precept to the said sheriff to levy and collect the said penalty from the said judges as is now practised and allowed in cases of fines imposed upon defaulting jurors, provided that the said court may, upon good cause shown, remit such fines : And in case any such certificate shall not have been placed in the office aforesaid, by noon of the day aforesaid, the said court may, on the application of any citizen, issue an attachment against the judge or judges in default, to compel the production and filing of such certificate.

Duties of judges of elections.

SECTION 33. The municipal elections of the city of Philadelphia shall be conducted in the manner required by the act of Assembly of July second, Anno Domini, one thousand eight hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth," and its supplements : As soon as the votes given at each division are counted, duplicate returns thereof shall be made out by the officers of such division, one copy shall be deposited in one of the ballot boxes, as required by section seventy-four of the act aforesaid, the other copy shall be used for the purpose of making up full returns of the ward, and the said last copy, together with a full and complete return of the votes given in such ward, signed by the judges thereof, shall be filed by one of the judges in the office of the prothonotary of the court of common pleas of Philadelphia county, as hereinafter provided.

Municipal elections, how conducted.

SECTION 34. The returns of all municipal elections in the city of Philadelphia, and the certificates to be given to persons elec-

Returns of elections and certifi-

ates, how made out.

ted, shall be made out in the following manner, to wit: Two complete copies of a return of all the votes given in each division, and a certificate of election to each of the persons elected to office in such division, shall be made out and signed by the judge, inspectors, and clerks of such division, and on the day succeeding the election, at nine o'clock, A. M., the judges and inspectors of all the divisions of the ward shall meet and make out a return of all the votes given in such ward, and a certificate of election for each of the persons elected to office in such ward; which returns and certificates shall be signed by the judges of such ward, or a majority of them; the judges shall then designate one of their number to be a return judge, and shall give him an accurate copy of the returns of the votes given in such wards for each municipal officer voted for; and the return judges of the several wards shall meet at the state house, at ten o'clock in the morning of the Thursday succeeding the day of election, and shall then and there, in the manner provided in the seventy-eighth section of the act of Assembly of July second, Anno Domini, one thousand eight hundred and thirty-nine aforesaid, proceed to add together the number of votes given in the several wards for the several officers voted for, and shall make out full and complete returns of said votes, and a certificate of election to the persons elected; which returns shall, immediately upon the adjournment of the return judges be, by the president thereof, filed in the office of the prothonotary of the court of common pleas; the certificates of election, for the ward and division officers, shall be delivered to the persons elected, by the constables of the ward, within three days after the election, and the certificate for the other officers voted for, shall be delivered to them by the sheriff, or his deputy, within two days after the meeting of the return judges: the places for the meetings of the said judges and inspectors in said ward, for the purposes aforesaid, shall be determined by a majority of those who are required to meet:

Returns subject to the inquiry and determination of the court of common pleas.

SECTION 35. The returns of all municipal elections in the city of Philadelphia, except of members of the select and common councils, shall be subject to the inquiry and determination of the court of common pleas of the county of Philadelphia, upon complaint of fifteen or more of the qualified voters of the proper ward or division, or in case of mayor, treasurer, city controller, receiver of taxes, city solicitor, or city commissioner, by at least fifty of the qualified voters of the said city, which complaint shall be filed in the said court within twenty days after such election, and at least two of the complainants shall take and subscribe an oath or affirmation, that the facts set forth in such complaint are true, and the said court, in judging of such elections, shall proceed upon the merits thereof, and determine finally concerning the same, according to the laws of this Commonwealth; and shall have power, if they believe such complaint to have been made without sufficient cause, to decree that the complainants, or any one or more of them, shall pay all legal costs incurred by such investigation: the select and common councils respectively shall, in like manner as each branch of the Legislature of this Commonwealth, judge and determine upon the qualifications of their members: the trial of a contested election shall be held and conducted, and be proceeded with, in the manner set forth in the several sections of the act of Assembly, passed July second, Anno Domini, one thousand eight hun-

dred and thirty-nine, providing for the trial of contested elections of the Senate and House of Representatives, excepting that the committee shall be seven in select, and eleven in common council: no complaint of an undue election, or false return, shall be acted upon, unless presented within ten days after the organization of councils, nor unless signed by at least fifteen qualified voters of the proper ward, at least three of whom shall take and subscribe an oath and affirmation, that the facts set forth in said petition or complaint are true.

SECTION 36. The elections within the city and county of Philadelphia which, according to existing laws, are held on the third Friday in March in every year, shall, in the year one thousand eight hundred and fifty-four, be held on the first Monday in June, and thereafter on the first Tuesday in May; and the terms of all commissioners and officers heretofore elected in March, and now in office, which would by law expire before the first Tuesday in June, are hereby extended; and they shall continue in office until their successors are duly chosen and qualified, by and in pursuance of the elections held on the first Tuesday in June as aforesaid, and until they shall be superseded in manner hereinbefore provided.

Time of certain elections changed.

SECTION 37. All the right, title and interest of the several townships, districts, and other municipal corporations mentioned in this act, of, in, and to all the lands, tenements, hereditaments, bridges, ferries, railroads, wharves, markets, stalls, landings, landing places, water works, gas works, buildings, easements and franchises of, in, and to all goods, chattels, moneys, effects, debts, dues, demands, amercements, fees, perquisites, rights, incomes, bonds, obligations, judgments, liens, actions, and rights of action, books, accounts and vouchers, and of, in, and to all other property and estate whatsoever, and wheresoever belonging to any or either of them, be and they are hereby vested in the city of Philadelphia, to take effect on the first organization of the city councils: *Provided*, That all the estates and incomes now held in trust by the county, present city, and each of the townships, districts, and other municipal corporations united by this act, shall be held by the city of Philadelphia upon, and for the same uses, trusts, limitations, charities and conditions, as the same are now held by the said corporations respectively.

Right, title and interest of the several townships, districts, &c., vested in the city of Philadelphia.

Proviso.

SECTION 38. That the net debt of the county of Philadelphia, after deducting and cancelling the portion held by the sinking fund, and the several net debts of the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn, of the mayor, aldermen and citizens of Philadelphia, of the commissioners and inhabitants of the district of Southwark, of the commissioners and inhabitants of the district of Moyamensing, of the commissioners and inhabitants of the Kensington district, of the commissioners and inhabitants of the incorporated district of the Northern Liberties, of the commissioners of the district of Spring Garden, of the commissioners and inhabitants of Richmond, in the county of Philadelphia, the districts of West Philadelphia and Belmont, of the boroughs of Whitehall, Manayunk, Germantown, Aramingo and Frankford, and of the commissioners and inhabitants of the district of Penn, and the board of health and controllers of the public schools, after deducting and cancelling the portions held by the respective sinking funds of the said several corporations, is

Consolidation of debts.

hereby consolidated and formed into one debt, to be called "the debt of the city of Philadelphia," and payable at the same times that the principals of said debts are now made payable; certificates of which said debts are to be issued in sums of not less than one hundred dollars, in lieu of the present separate debts so consolidated, to the respective owners, in lieu of their present certificates of the same, at the option of such owners, bearing the same rate of interest that the debts so to be exchanged now bear, and payable on the first days of January and July, at the office of the treasurer of the city of Philadelphia: there shall be annually raised by tax, in addition to the income of the corporation property, a sufficient sum to discharge the annual interest on the said consolidated city debt; and no debt shall be incurred, or loans made by the said city, without a cotemporaneous appropriation of a sufficient annual income or tax, exclusive of loans, to pay the interest, and sink the principal of such debt in thirty years.

Fiscal year, commencement of.

SECTION 39. The fiscal year of the city of Philadelphia, the board of guardians of the poor of the city of Philadelphia, the board of health, and of the controllers of public schools of the city of Philadelphia, and inspectors of prison, shall commence on the first day of January in each and every year: it shall be the duty of the board of guardians of the poor to furnish the councils of the city of Philadelphia, on or before the first day of March in every year, an estimate of the amount that, in their judgment, will be required during the current fiscal year for the maintenance and support of the alms-house establishment of the said board; and the controllers of public schools, and the board of health, the port wardens and inspectors of the prison severally shall, in like manner, on or before the same day in each year, furnish to the said councils the amount that, in their judgment, will be necessary for the support of public schools, and the necessary expenses of the board of health, the port wardens and inspectors of the prison respectively, for the current fiscal year; and the said city councils shall fix the rate, and levy all the taxes, now authorized by law, within the limits of said city and county, except the State tax, and direct the amount to be applied, and paid by the city treasurer, to health, school, poor, city, and other purposes, according to law: the said taxes shall be voted, so as to show how much is raised for said objects respectively; they shall be collected and accounted for to the treasurer as one city and county tax: the said tax, and all State taxes accruing within said city limits, shall be paid to the receiver of taxes, and all allowance made by law for the collection and prompt payment of the State tax, shall accrue to the city treasury, for the use of the city: *Provided*, That the said city councils shall so discriminate, in laying said city taxes, as not to impose upon the rural portions these expenses, which belong exclusively to the built portions of said city; for which purpose the assessors shall distinguish in their returns what properties are within agricultural or rural sections, not having the benefit of lighting, watching and other expenditures, for purposes exclusively belonging to built portions of said city; and all lands within said agricultural or rural districts, used for the purposes of cultivation or farming, shall be assessed as farm land: *And provided*, That no money shall be hereafter borrowed on the faith and credit of said city, unless the ordinance, or other authority authorizing the same, shall have been introduced at one stated meet-

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ing of the common council, and the draft thereof published in at least two of the newspapers of the city daily, for four weeks before the final consideration and passage thereof by the said common council: and at any stated meetings of the select council, held at least one week after the final consideration of any such ordinance by the common council, the select council may consider and act upon any such ordinance; but the select council shall not originate any ordinance, or other authority, for borrowing money; and no loan shall be authorized without a vote of two-thirds of the whole number of the members of each council: *And provided also*, That it shall be the duty of the city councils to obtain by dedication or purchase, within the limits of the said city, an adequate number of squares or other areas of ground, convenient of access to all its inhabitants, and lay out and maintain such squares and areas of ground as open public places, for the health and enjoyment of the people forever.

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SECTION 40. It may be prescribed by ordinance that paving of streets, except at the intersections thereof, and of foot ways, and laying of water pipes within the limits of the city, shall be done at the expense of the owners of the ground in front whereof such work shall be done, and liens may be filed by the said city for the same, as is now practised and allowed by law.

Paving of streets, &c., expenses of.

SECTION 41. The county of Philadelphia shall continue to be one of the counties of this Commonwealth, and all county officers, not superseded by this act, shall continue in office, and continue to be elected and voted for, at the places of election provided for by this act, as in other respects now provided by law, and be denominated officers of the county of Philadelphia; and all courts shall continue therein to exercise the jurisdictions and powers now conferred upon them by the constitution and laws of this Commonwealth; and the councils of said city, and the officers thereof, shall exercise all the powers and authorities of the superseded county commissioners and county board, and commissioners of sinking fund, and of other officers not inconsistent with this act, in such way and manner as by this act is, or by the city councils may be established.

County of Philadelphia to continue to be one of the counties of the Commonwealth.

SECTION 42. That the select and common councils of the city of Philadelphia shall be, and they are hereby authorized and directed to organize a police department in and for the said city, and may organize, if necessary, a fire department subordinate to, or independent of that of police, and to make, ordain, and establish all needful laws and ordinances for the regulation thereof, and for the preservation of the public peace, the suppression of riot and disturbances, and for the extinguishment of fires, and the protection of property thereat, and for this purpose the said councils shall be and hereby are vested with ample power and authority in the premises.

Police department, organization of.

SECTION 43. All laws providing for the appointment of tax collectors within the said city of Philadelphia, and all other laws altered or supplied by this act, are hereby repealed: *Provided however*, That the city of Philadelphia shall have and possess all and every the full power, right and authority to collect all the debts, demands, and property of all and every kind transferred to, and vested in the said city by virtue of this act, as if the corporations hereby dissolved were not extinct, and all suits to be brought therefor, shall be in the name of the city of Philadelphia, as if the same had been originally vested in the said city.

Repeal.

Proviso.

Acts of Legislature not inconsistent with this act to remain in force.

Proviso.

SECTION 44. That all acts of the Legislature not inconsistent with this act now in force, shall continue in operation within the limits of the county, city, district, borough or township, in which they are now operative, under the authority of the city councils, courts, and officers created by this act, or permitted to continue, as consistent therewith, until such acts shall be altered or repealed by the Legislature: *Provided*, That the city councils shall have power, by ordinance, to extend the operation of laws now in force within the city, police, or municipal districts, to other parts, or over the whole of the enlarged limits, and to declare what laws have become obsolete by this act, or the extension as aforesaid of other laws: all ordinances of the present city of Philadelphia, and other municipalities within the county of Philadelphia, shall continue in force within the limits of said city and municipalities respectively, until repealed by said councils and no longer; and said councils, in enacting new ordinances, may make such distinctions between the built and rural portions of the new city, as they may deem required by circumstances: it shall be the duty of councils to cause the laws and ordinances of said city, as they shall be framed and adopted under this act, to be published for the information of the citizens, and to present copies thereof to the Executive, the State library, and each member of the present Legislature, and the Legislature to convene next after the publication, and to make application for such further legislation as shall thereupon be found necessary.

Removals from office.

SECTION 45. All officers elected by the qualified voters under this act, shall be subject to removal from office on impeachment for misdemeanor in office, or other sufficient cause, on charges to be preferred by the common council, and tried by the select council, in manner prescribed by the constitution and laws of this Commonwealth, as to the impeachment by the House of Representatives, and trial thereof by the Senate: all other officers shall be subject to removal for sufficient cause, in such manner as councils may determine.

Councils to fix compensation of officers.

SECTION 46. The city council shall fix the compensation, and prescribe the duties of all officers of said city, in such manner as to carry out the purposes of this act, and as the welfare of said city may require, not inconsistent with the laws and constitution of this Commonwealth, and of the United States: whenever any elective officer of said city shall die, or become incapable of fulfilling the duties of his office, his place, except where other provision is made for filling the vacancy, shall be filled by a joint vote of the city councils, until the next city election, and the qualification of a successor in the office: *Provided*, That such vacancy shall exist at least thirty days before the next city election, otherwise such vacancy shall be filled at the next election thereafter.

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Salaries not to be increased.

SECTION 47. No salary of any officer to be elected according to the provisions of this act, by the qualified voters of the city hereby incorporated, shall be increased or reduced by any act or ordinance to take effect during the term for which he shall have been elected, and in all cases where the salary of any officer shall not be fixed by law, it shall be fixed by the councils: *Provided*, That it shall not be lawful for councils at any time to pass an ordinance, or by other means provide for the payment of any money in the shape of per diem pay or compensation of any kind for services rendered by them in their capacity as councilmen or members of committees, emanating from councils.

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SECTION 48. No person shall at the same time be a member of more than one of the following bodies, to wit: The city councils, the guardians of the poor, the board of health, the controllers of the public schools, the directors of the public schools, and the inspectors of the county prison, nor shall any person be a member of any of these bodies, who is at the same time a salaried officer under the same or under any of them: *Provided*, That this shall not be construed so as to prevent a controller of the public schools from being at the same time a school director.

Restrictions as to officers.

Proviso.

SECTION 49. Every officer or agent receiving moneys for the city and payable to the city treasurer, shall give bond for the faithful performance of his duty, and shall be required to make return to the city controller once in every week, or oftener if councils shall direct, under oath or affirmation, of each item of the moneys received by him, and immediately upon making such return to pay the amount in his hands to the city treasurer: The said city controller is hereby authorized to administer such oath or affirmation, and any person falsely making such oath or affirmation, or guilty of falsehood in any other oath or affirmation required by the provisions of this act, or by any ordinance of councils made in pursuance thereof, shall be guilty of perjury.

Certain officers to give bond.

SECTION 50. It shall be the duty of the city councils to provide by ordinance, for the establishment and regulation of all the departments indicated by this act, and other laws in force in said city under the proper heads, and with the necessary clerks, officers and assistants, to wit: For law, police, finance, surveys, highways, health, water, gas, fire, the poor, the city proper, and the public grounds, and such others as may from time to time be needful, and through the mayor and proper committees the said councils shall maintain a supervision of each department, whether corporate or otherwise, and over the inspectors of the county prison, for the exposure and correction of all evils and abuses, and for that purpose may require the production and inspect all books and papers, and the attendance of witnesses by subpoena, and examine them under oath or affirmation, but no member or members of council, whether as a committee or otherwise, shall make any disbursement of corporate moneys, nor audit the accounts thereof, nor perform any other executive duty whatever: *Provided however*, That all officers who by force of any ordinance may have charge or authority in the assessment or collection of taxes, or the appropriation or disbursement of moneys, shall be elected by the popular vote on the first Tuesday of May in each year.

Councils to provide by ordinance for the establishment and regulation of all the departments.

Proviso.

SECTION 51. If any councilman, guardian of the poor, member of the board of health, controller or director of the public schools, or warden, inspector of the prison, or any other member office, or agent of the said city corporation, or of any corporation or department by this act recognized, or clerk therein, shall at any time be directly or indirectly interested in any sale to or contract for supplies to be furnished to said city, or to any corporation or department by this act recognized or placed under the supervision of councils, of which he shall be a member, or officer, or clerk, or agent, or shall receive any gratuity money or property whatsoever, by reason of such sale or contract, or shall take any fee beyond that prescribed by law, he, if a councilman or elective officer, or officer appointed by court, shall be impeached in manner hereinbefore provided, and if found guilty shall forfeit and vacate his seat, and if any officer or clerk ap-

No officer to be interested in any sale or contract for supplies to be furnished to said city.

pointed by councils, shall be removed from his office or appointment, and any vendor or contractor participating in such act, shall be incapable of recovering any demand thus infected by fraud, and all such offenders shall be deemed guilty of a misdemeanor, and upon conviction of such offence in the court of quarter sessions for said city and county, shall be fined and imprisoned at the discretion of said court.

Meetings to be open and accessible to all citizens.

SECTION 52. The meetings of the said city councils and all corporations and boards authorized or recognized as existing under this act, except the board of health and board of inspectors of the county prison, shall be at all times open and accessible to all citizens deporting themselves with order and decorum.

City of Philadelphia not relieved from engagements to subscribe to any railroads under any law of this Commonwealth.

SECTION 53. Nothing in this act contained shall be so construed as to relieve the said city of Philadelphia, as hereby extended, from any engagement or contract heretofore made by authority of the city councils, to subscribe to the capital stock of any railroad company, under any law of this Commonwealth, and all ordinances heretofore passed by the said city, or by any of the municipalities or districts hereby consolidated, and in force at the time of the passage of this act, and whereby subscriptions are authorized to be made to the stock of any such railroad company, shall be binding upon and carried out by said city municipalities and districts respectively, until this act shall go into effect, and thereafter upon and by said city hereby extended and consolidated, upon the performance of the conditions, if any required, by such ordinance or ordinances: And nothing in this act shall be so construed as to interfere in any manner, with any laws authorizing subscriptions to be made by the city of Philadelphia to any railroad company, passed prior to this act.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The second day of February, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 17.

AN ACT

Supplementary to the act incorporating the Phoenix Iron and Coal 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 name, style and title of the Phoenix iron and coal company, be and the same is hereby changed to, and the said corporation shall hereafter be known by the name of "The Union iron and coal company," with all the rights, privileges, powers and immunities, and subject to all the provisions, penalties and restrictions provided for and enjoined by the act incorporating the

Change of name.