

CHAPTER MCMV.

AN ACT TO ALTER AND AMEND THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS COMMONWEALTH INCORPORATING THE CITY OF PHILADELPHIA.¹

Whereas, many of the citizens of Philadelphia have prayed for such alterations in their charter of incorporation, as that it may be rendered more similar to the frame of government of this commonwealth, and it is reasonable that the prayer of their petitions should be granted. Therefore:

[Section I.] (Section I, P. L.) 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 freemen of the city of Philadelphia qualified to elect members of the general assembly of this commonwealth, shall meet together on the second Tuesday of October next, and on the same day yearly thereafter, and elect by ballot twenty persons, qualified to serve as members of the house of representatives of this commonwealth, to be members of the common council, for the year next ensuing their election.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said freemen shall, on the said second Tuesday of October next, also elect by ballot twelve persons, qualified to serve as Senators of this commonwealth, to be members of the select council of the said city, who shall, forthwith after their election, divide themselves by lot into three classes, the seats of the first class shall be vacated at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third may be chosen every year.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the whole legislative power of the corporation of the said city shall be exclusively vested in the said select and common councils, who shall perform all legislative acts, as separate and distinct bodies, and shall exer-

¹See Act passed March 11, 1789, Chapter 1394.

cise, possess and enjoy, all and singular, the legislative powers which the mayor or aldermen, recorder and Common Council of the said city, in common council assembled, at present may, or can lawfully and of right exercise and enjoy.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the governor shall appoint one recorder and fifteen aldermen for the said city, who shall hold their offices during good behaviour, and who shall exercise, possess and enjoy, all and singular, the powers and privileges now exercised, possessed and enjoyed by the recorder and aldermen of the said city, and who shall meet together, at such times as may be proper, for the purpose of exercising the powers and privileges aforesaid (legislative powers only excepted).

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the members of the select and common councils shall, on the third Tuesday of October next, and on the same day yearly thereafter, meet together and elect viva voce one of the said aldermen as mayor of the said city, whose duty (besides that of an alderman of the said city) shall be to preside in the mayor's court when present, to promulgate the by-laws, rules and ordinances of the corporation, and to pay a special attention to the due execution and fulfillment of the same, and who shall be entitled to receive, hold and enjoy all the emoluments now attached to the office of mayor, or which, by the laws and ordinances of the corporation, may be hereafter annexed to the same.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the doors of the respective halls of the said select and common councils shall be open for the admission of all peaceable and orderly persons, who shall be desirous of being present at the discussion of any by-laws, ordinances, rules, or regulations for the welfare and good government of the city.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the aldermen which shall be chosen at the election to be held on the first Tuesday in April in this present year, and the mayor and recorder which shall be chosen by the said aldermen agreeably to the laws now

in force, shall hold their several and respective offices until the second Tuesday in October next, and no longer, and that from and after the said second Tuesday in October next, so much of the act of the general assembly of this commonwealth entitled "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine,² and of any and every supplement thereto, as is hereby altered and supplied, (and no more), shall be thenceforth repealed.

Passed April 4, 1796. Recorded L. B. No. 6, p. 127, etc.

²Chapter 1394.

CHAPTER MCMVI.

AN ACT TO AUTHORIZE MARTIN NISSLY TO ERECT A WING-DAM ON THE WEST SIDE OF CONESTOGA RIVER, IN THE COUNTY OF LANCASTER.

[Section I.] (Section I, P. L.) 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 Martin Nissly, his heirs and assigns, be, and they are hereby, authorized and empowered to erect a wing dam in the river Conestoga, from his own land on the west side of [said] Conestoga river, in Lancaster township, in the county of Lancaster, and to keep the same in good repair forever, and also to lead off thereby, on his own land, so much water of the said river as may be found necessary for the supply of his or their water works, Provided always, That the said Martin Nissly, his heirs and assigns, in erecting said dam, shall leave an opening of at least thirty-three feet wide, from low water mark on the east shore of said river, which said opening shall be kept in good repair at all times by the said Martin Nissly, his heirs and assigns, for the passing of rafts, boats and fish, Provided also, That the said Martin Nissly, his heirs and assigns, shall not interfere with any private property on said river.