

1782. long, and so in proportion to the length of the bar, the said bar to be laid crossways of the street, and the space between the bars not to exceed one inch and a quarter of an inch; and the said grate or grates shall be fixed in a frame of stone, or good red cedar, the scantling of which to be at least six inches square for a bar of eighteen inches long, and so in proportion for the length of the bar, the frame to be laid solid on the wall of the opening of the said vault, and the upper side of the frame nearly level with the pavement, the wall of the opening, with the arch of the vault, and the grate or grates, always to be kept in good repair. And every owner, if a resident within the said city, or tenant of a non-resident owner, who has or may have vaults under any of the public streets, is hereby directed and enjoined to comply with the above regulations, under the penalty of thirty shillings, to be paid to the commissioners for pitching, paving and cleansing the streets, and by them to be applied towards making, amending and cleansing the same: And the said commissioners are hereby directed to make and amend such vaults or grates, which the owners neglect to repair agreeable to this act, out of the public money, and recover the expense thereof, with the forfeiture, of such resident owner or tenant of such non-resident owner, respectively, as the case may require, in a summary way, as debts under five pounds are usually recovered.

Tenants of non-resident owners repairing the grates, &c. may deduct the same out of the rent.

SECT. XIV. *And be it enacted by the authority aforesaid,* That if any tenant of a non-resident owner shall make or repair the vault, grate or grates, agreeable to this act, it shall be allowed to him by the owner or landlord out of the rent then due, or thereafter to become due. *Provided nevertheless,* That any grate or grates, which may at present appear safe and substantial, in the judgment of any two or more of the Justices of the peace for the city, with the said commissioners, or a majority of them, may be indulged therewith until they want repairing, or by said Justices and commissioners ordered otherwise.

No vaults to be dug, without leave first obtained.

SECT. XV. *And be it enacted by the authority aforesaid,* That no person or persons shall hereafter dig, or cause to be dug, any vault or vaults under any of the streets of the said city, without first obtaining liberty of four of the Justices of the peace for the city, with a majority of the regulators appointed by this act, who are hereby authorized to judge and determine on the necessity thereof, and the distance to be dug under any of the streets; provided the same does not exceed fifteen feet from the front wall of the dwelling, before which such vault is intended to be dug.

Passed 15th April 1782.—Recorded in Law Book No. I. page 531.

## CHAPTER DCCCCLXXVI.

An ACT to amend the several acts of this commonwealth, directing the mode of electing members of the General Assembly thereof.

SECT. I. WHEREAS business of great consequence has been frequently delayed, and manifest injury thereby done to this commonwealth, by reason that persons elected to serve as members of

Assembly have not given their attendance, according to the constitution and laws of this state, and the time to which the House stood adjourned, or have been called by the Supreme Executive Council :

1782.

SECT. II. And whereas it is both just and necessary, that all persons elected as members of the General Assembly of this state should punctually attend their duty, or signify their refusal, so as the evils consequent on a want of representation may be provided against : Wherefore,

SECT. III. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That any person or persons, elected to serve in the General Assembly of the Representatives of the Freemen of this commonwealth, and duly notified thereof according to law, and who shall neglect or refuse to attend on the day fixed by the constitution for the legislative body to meet, or any member or members, who shall refuse or neglect to meet on the day, to which, by their own minutes, they may stand adjourned, or when called by the Supreme Executive Council, agreeable to the powers vested in them for that purpose, having at least fifteen days notice of such meeting, each and every person or member so refusing or neglecting shall forfeit and pay, for the use of this commonwealth, the sum of fifteen pounds, to be recovered, with costs of suit, in any court of record of the county where such person or persons so offending dwell or inhabit, and as herein after is directed.

Penalty on members refusing or neglecting to attend on the day fixed by the constitution.

SECT. IV. *Provided always,* That any person or persons, elected to serve in the General Assembly, and being duly notified thereof according to law, and who refuse or decline such service, shall give, or cause to be given, at his or their own proper expense and cost, to the House of Assembly, or the members met, a written notice, declaring and expressing therein his or their refusal, and within fifteen days after receiving notification as aforesaid, such person or persons shall not be deemed or held liable to any fine, forfeit or penalty, mentioned or intended by this act.

Proviso.

SECT. V. *And be it further enacted by the authority aforesaid,* That after the expiration of fifteen days from the time fixed and appointed for any meeting of the General Assembly of this commonwealth, the members then present shall cause a written list to be made out, and direct the Speaker, or a Chairman appointed for that purpose, to sign the same, containing the names of all such persons or members as are deemed delinquents under this act, and specifying the county where such delinquents reside, or were chosen to represent ; which list, so made out, and signed as aforesaid, they shall forthwith transmit to the Supreme Executive Council of this commonwealth, who are hereby enjoined and required to cause the Attorney-General, or some proper person or persons in his behalf, to sue for and recover, from each and every of the persons so offending, the fines, forfeitures or penalties, herein specially set forth, and pay the same into the treasury, for the use of the commonwealth.

After fifteen days, a list of delinquents to be made out and transmitted to the Supreme Executive Council.

1782.

The General Assembly may remit fines imposed under this act.

SECT. IV. *And be it further enacted by the authority aforesaid, That the General Assembly of this commonwealth may, by their order, remit any fine or fines recovered, or that may be recovered, or stay any suit or action depending by virtue of this act, or prevent, by their order, others being sued for, whenever it appears, from the necessity of the case, such remittance or stay of suit is just and reasonable.*

Passed 20th September, 1782.—Recorded in Law Book No. II. page 2.

### CHAPTER DCCCCLXXIX.

*An ACT to repeal a part of the act, entitled "An act to amend and render effectual an act, entitled "An act for regulating party walls and partition fences in the city of Philadelphia," to declare divers new streets and ways opened, and to be opened and laid out, within the said city, to be highways, and also to declare nuisances by buildings within the said streets removable, and for other purposes therein mentioned."*

SECT. I. **WHEREAS** a considerable number of the inhabitants of the city of Philadelphia have, by their petition, set forth, that trees planted in the streets thereof conduce much to the health of the inhabitants, and are in other respects of great public utility: And whereas the said inhabitants pray, that so much of the act, entitled "An act to amend and render effectual an act, entitled "An act for regulating party walls and partition fences in the city of Philadelphia, to declare divers new streets and ways opened, and to be opened and laid out, within the said city, to be highways, and also to declare nuisances by buildings within the said streets removable, and for other purposes therein mentioned," and which directs the removal of all trees out of the streets, lanes and alleys of the said city, may be repealed:

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the twelfth section of the above recited act, and every matter and thing therein contained, be, and the same is hereby, repealed and made void.*

Passed 20th September, 1782.—Recorded in Law Book No. II. page 10.

### CHAPTER DCCCCLXXX.

*An ACT to enable the commissioners therein named to purchase public landings in the district of Southwark, in the county of Philadelphia, and for raising a fund to pay the purchase money thereof. (b)*

SECT. I. **WHEREAS** the rapid improvement of the water lots in the district of Southwark, of late years, hath rendered them of great value, and unless timely care is taken to procure convenient

(b.) See ante. chap. 970, pa. 44, and the various acts relating to Southwark there referred to. The surviving commissioners were authorized to execute

this law by an act of the 6th of March, 1790, chap. 1479. (Note to former Editor.) See also, ante. vol. I, pa. 248, chap. 481.

Part of a former act repealed. [Ante. page 51, chap. 971.]