

CHAPTER MCCCLXV.

1788.

A SUPPLEMENT to an act of General Assembly, entitled "An act for erecting the southern suburbs of the city of Philadelphia into the district of Southwark, for making the streets and roads already laid out therein public roads and highways, and for regulating such other streets and roads as the inhabitants thereof may hereafter lay out, and for other uses and purposes therein mentioned."

SECT. I. WHEREAS the district of Southwark is become populous, and in many places closely built, and requires some regulations: And in the act to which this is a supplement, no provision is made for the erecting of public pumps, to supply the inhabitants with water, and secure them against the ravages of fire, nor for regulating the descent of water-courses or common sewers; all which are essentially necessary in cities and close built towns: And whereas the pitching and paving the streets, lanes and alleys of the said district, will greatly tend to the improvement thereof, and the lighting and watching the same by night will be a great convenience and security against fires and robberies, as soon as the said district shall be enabled to support the expense thereof:

[Original act vol. 1, pa. 481, and see the notes thereto subjoined.]

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 the supervisors of the streets, highways and landings, elected, or to be elected in pursuance of the act for that purpose made and provided, or a majority of them, by and with the consent of one or more of the Justices of the Peace for the said district, or for such district for election of Justices of the Peace, whereof the district of Southwark shall constitute a part, and a majority of the regulators of the said district, shall, from time to time, as occasion may require, dig such and so many wells, and therein fix pumps, in such convenient places within the streets, lanes and alleys of the said district, as to them shall appear necessary, so as to supply the inhabitants with water in the most equal manner; and the said pumps shall be kept in good order, at the charge of the said district, for ever.

Wells and pumps, how to be established in Southwark;

SECT. III. And whereas the pumps already fixed in the streets, lanes and alleys of the said district, are frequently so much neglected, as to be out of repair, and totally unfit for use: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the said supervisors, or a majority of them, to confer with any person or persons, who shall have fixed any pump or pumps in any of the streets, lanes or alleys, in the said district, and if any of them who have so fixed any pump or pumps shall agree to keep them in good order and repair, to the satisfaction of a majority of the said supervisors, he, she or they shall be entitled to demand and receive yearly, for each pump so kept in repair, the sum of thirty shillings from the said supervisors, out of the public money in their hands. And if any person or persons whatsoever shall demand, exact or receive any sum or sums of money, or any other recompense, from any person or persons, for any water drawn out of any

and kept in repair.

Penalty on exacting a recompense for water

1788. pump or pumps so erected, or to be erected, within the streets, lanes or alleys of the said district, or shall in any wise molest or hinder any person or persons from drawing water therefrom, he, she or they, being legally convicted thereof, on the testimony of one or more credible witnesses, before any Justice of Peace for the said district, or for such district for election of Justices of the Peace, whereof the district of Southwark shall constitute a part, shall forfeit and pay, for the first offence, the sum of five shillings, and for every subsequent offence ten shillings, the said money accruing by such fines and forfeitures to be applied for the purpose of carrying this act into execution. And if any pump or pumps erected, or to be erected by any private persons, within the streets, lanes and alleys of the said district, shall be out of repair for the space of two months successively, the same being proved by two reputable freeholders, to the satisfaction of any Justice of the Peace for the said district, or for such district for election of Justices of the Peace, whereof the district of Southwark shall constitute a part, the said Justice shall issue an order, under his hand and seal, directing the supervisors aforesaid to have such pump or pumps put into good order and repair, and so kept at the public charge, for ever.

Proceedings in case private pumps are allowed to be out of repair.

Punishment for wilfully injuring the pumps.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person or persons, from and after the passing of this act, shall wilfully or maliciously break or carry away the handle, pin or spear, of any of the pumps within the said district, or otherwise damage or injure any of the said pumps, and shall thereof be legally convicted before any Justice of the Peace for the city and county of Philadelphia, he, she or they shall forfeit and pay to the said supervisors, to be applied for the purpose of carrying this act into execution, the sum of five pounds for every such offence, on the first conviction, and for every other such offence committed, after the first conviction, the sum of ten pounds; and it shall be lawful for the said Justice to commit such offender to the common gaol of the said county, until the said fines and the costs of prosecution be paid.

The streets, &c. to be regulated.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said supervisors, or a majority of them, for the time being, and the said regulators, or a majority of them, by and with the consent and approbation of one or more of the Justices of the Peace of the said district, shall have full power and authority, and they are hereby enjoined and required, as soon as conveniently may be, to regulate and direct the courses and degrees of descent, and the distances from the sides of the streets, lanes and alleys, of all and every the gutters, natural water-courses, and common sewers within the said district, and to fix and ascertain the same, so that the freeholders shall hereafter know with certainty how to erect their buildings and enclose their grounds in conformity thereto; and if it shall be necessary to carry any common sewer through the ground of any private person or body politic, the damages (if any) which shall or may accrue to the owner or owners of such ground, shall be ascertained by two indifferent persons, mutually to be chosen by the said supervisors, and the said owner or owners, which persons, not agreeing, shall have power to choose a third person, and the sum of money to be fixed by

How owners of grounds, through which sewers pass, shall be compensated.

them, or any two of them, shall be paid to the owner or owners by the said supervisors, in satisfaction of the said damages, out of the public monies in their hands; and thereupon it shall be lawful for the said supervisors, with all necessary workmen, tools, implements, carts, carriages and horses, to enter upon the said private grounds, whenever and as often as it shall be necessary, to make, amend, cleanse and scour such water-courses and common sewers, doing nevertheless as little damage as possible to the adjoining grounds, and always putting up and leaving all inclosures and improvements thereon in as good a state as they were at the time of their entry thereupon. 1788.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the said supervisors shall, as soon as conveniently may be after the gutters and water-courses in the streets, lanes and alleys within the said district are regulated, cause the same to be pitched or paved with brick or stone, as the case may require, and plant posts, to defend the same from being injured by carriages, and also have a foot way paved four feet wide with brick or flat stone, and keep an exact account of the costs and charges arising thereupon, and demand and receive, of and from each and every owner of the lots or grounds opposite to which such gutters or water-courses shall be so paved and posted, the full amount of so much of the expense thereof as shall be proportionate to the number of feet front of ground held by such owner or owners respectively. *Provided always nevertheless,* That all and every owner and owners shall have the privilege of paving and pitching their own fronts as aforesaid, so that they have it completed within three months after notice given for that purpose by the supervisors, or any two of them, in writing, under their hands. And in case any owner or owners shall neglect or refuse to pay such amount, for one month after such foot-way and water-course shall be paved and posted opposite to his her or their ground, it shall and may be lawful for the said supervisors to recover the same, in the same manner and form as debts under forty shillings are by law recoverable. And in case the grounds belong to minors or absent persons, then the same shall be recovered against any person or persons having the care of such grounds belonging to such minor or absent owner, and the receipts of the said supervisors for such money shall be good vouchers, to all executors, administrators, guardians, trustees, or attornies in fact, against their principals.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously obstruct or stop up any public water-course or common sewer, already made, or to be made and established, within the said district, and shall be thereof legally convicted in any Court of Record, having jurisdiction within the county of Philadelphia, he, she or they shall forfeit and pay, for such offence, any sum, to be fixed and assessed by such court, not less than ten, nor exceeding fifty pounds, and for a repetition of the offence after the first conviction, any sum not less than twenty, nor exceeding one hundred pounds, which sums shall go to the said supervisors for the purpose of carrying this act into execution.

OF pitching
and paving
the streets.

Owners may
pave and
pitch the
fronts of
their lots.

Proceedings
in case of
minors or
absentees.

Penalty on
obstructing
any water-
course or
common
sewer.

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A tax to be assessed, for the purpose of this act.

SECT. VIII. And in order to defray the costs, charges and expenses, of carrying this act into execution, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said supervisors, and the assessors of the said district, together with one or more of the Justices of the Peace, to meet at some convenient place, and lay and assess a tax on the inhabitants and landed estate within the said district, in the same manner, and at the same time, with the road tax in the act to which this is a supplement.

Limitation of the tax.

Provided nevertheless, That the tax to be laid by virtue of this act shall not exceed two shillings and six pence on every hundred pounds, agreeably to the county rates, without any exceptions in favour of mechanics, manufacturers, or others.

Regulators and supervisors, how to be elected.

SECT. IX. And whereas inconveniences may arise from the elections for regulators and supervisors being held on the third Saturday in April, and from a total change of them at any future election, which may be prevented by an alteration in the time of election, and continuing some of them for a longer time than one year: *Be it therefore further enacted by the authority aforesaid,* That, from and after the passing of this act, the election for choosing regulators and supervisors shall be held on the first Saturday in January, annually, and agreeable to the directions and restrictions contained in the act to which this is a supplement; and that at the elections to be held as aforesaid the proper number of persons to fill both those offices shall be balloted for, and he or they composing one equal third part of the number of officers for both those offices respectively, who shall have the greatest number of votes, shall be the officers for three years thence next following; and he or they composing another equal third part of the number of officers for both those offices respectively, who shall have the next greatest number of votes, shall be the officers for two years thence next following: and he or they composing another equal third part of the number of officers for both those offices respectively, who shall have the next or third greatest number of votes, shall be the officers for one year thence next following; and that at the election which shall happen as aforesaid, next after the said election now next coming, another number of persons, sufficient to supply the places of those whose times shall expire by the directions aforesaid, shall be chosen, and continue in office for the term of three years, and so *toties quoties* in every year, to supply the vacancies which shall arise: *Provided always,* That no person shall be excluded from the choice of the people, on account of his having filled either of the said offices the preceding term of three years: *And provided also,* That if, at the now next election, two or more persons shall have an equal number of votes for the same office, the term for which each of them shall serve shall be determined by lots, to be drawn by the inspectors and judges of the election, immediately after casting up the votes.

Qualification of the supervisors.

SECT. X. *And be it further enacted by the authority aforesaid,* That before the said supervisors shall take upon themselves the duties by this act enjoined and required, they and each of them, shall take an oath or affirmation, before one of the Justices of the said dis-

trict, or of such district for election of Justices of the peace, whereof the district of Southwark shall constitute a part, of the following tenor, to wit: That they will well and truly, according to the best of their skill, knowledge and ability, discharge and fulfil the duties and services enjoined them by this act: that they will use their endeavours to collect the monies arising, as well by the taxes to be imposed by virtue of this act, as by the fines therein mentioned, and will apply the same to the uses and purposes therein directed, and to no other uses or purposes whatsoever.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said supervisors and regulators shall be allowed, out of the monies arising by virtue of this act, the sum of six shillings each, for each and every day they shall be employed in attending to the services enjoined by this act, in full satisfaction for all their time, trouble and expenses.

Pay of the supervisors and regulators.

SECT. XII. *And be it further enacted by the authority aforesaid,* That so soon as the services by this act enjoined are so performed, as that the tax hereby authorized to be levied and collected shall be no longer necessary for those purposes, it shall and may be lawful for the said supervisors to continue the said tax, and to apply the monies arising thereby to the pitching and paving the streets, lanes and alleys, and the lighting and watching the said district, or such parts thereof, as shall most immediately require to be lighted and watched by night.

The tax (when the first appropriation is completed, to be applied to lighting and watching.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the Justices for the district of Southwark, or of such district for election of Justices of the peace, whereof the district of Southwark shall be a part, or any one of them, taking to their or his assistance two reputable freeholders of the said district, shall, on or before the first Saturday in March, in every year, from and after the passing of this act, settle the accounts of the supervisors, and allow them every reasonable charge; a fair statement of which accounts shall be published in hand-bills, in three or more of the most public places in the district aforesaid (and published in one or more of the newspapers which are most in circulation in the said district;) and if any of the said supervisors shall refuse or neglect to settle their accounts as aforesaid, they, and each of them, so refusing or neglecting, shall forfeit and pay the sum of twenty pounds, over and above the balance which may be found in his or their hands, to be recovered as debts under ten pounds are by law recoverable, to be applied for the purpose of carrying this act into execution.

Accounts of the supervisors. how to be settled.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That every clause, matter and thing, contained in the said act, to which this is a supplement, which is contradictory or repugnant to or in any wise altered by this act, be, and the same is hereby repealed, annulled and made void, and of no force and effect whatever.

Repeal of part of the former acts.