

Statement to be transmitted to Secretary of Commonwealth.

by virtue of this act, shall draw up annually a statement of the transactions of the year, and transmit the same to the Secretary of the Commonwealth, whose duty it shall be to cause the same to be bound and deposited in the library of the Commonwealth.

Act to continue 8 years.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the provisions of this act be, and the same are hereby continued in force for eight years and no longer.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the sixth day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER LII.

AN ACT

To incorporate the Kensington district of the Northern Liberties.

SECT. 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 inhabitants of that part of the Northern Liberties, in the county of Philadelphia, beginning at the mouth of Cohocksink creek and the line of the incorporated district of the Northern Liberties, thence along the river Delaware to the south line of the land late Gibson's, thence along the said line to Gunner's creek, and across the same to the south line of land late of Isaac Norris, deceased, and now of J. P. Norris, thence along the same line the several courses thereof across the Frankford road to the Germantown road, thence down the eastwardly side of the said Germantown road to the middle of sixth-street continued, thence along the middle of the same to the line of the incorporated district of the Northern Liberties, thence along the line of the same to the place of beginning, be, and they and their successors forever, are hereby constituted a body politic in fact and in law, by the name and title of "The commissioners and inhabitants of the Kensington district of the Northern Liberties:" And by the same name shall have perpetual succession, and they and their successors shall at all times forever be able and capable in law, to purchase, have, hold, take, receive, possess

Boundaries of district.

Title.

Powers.

and enjoy lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, and the same to grant, bargain, sell, alien, convey, mortgage, pledge, charge, and encumber or demise at their pleasure; and by the name aforesaid, are, and forever shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and to do and execute all and singular other matters and things, that to them as a body politic and corporate in law and in fact shall and may appertain, and to have and use one common seal, and the same to alter or make anew at their pleasure, and the powers of the said corporation shall be vested in, and conducted by a board of commissioners to be elected as hereinafter directed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants living within the said described district, who are or shall be qualified agreeably to the constitution and laws of this state to vote for members to serve in the General Assembly, shall meet together at Jacob Vandike's tavern, sign of the White Horse, situate within the same, between the hours of ten in the morning and eight in the evening, on the last Monday in March next, and then and there choose by ballot out of such of the qualified voters residing within the said district, in the manner prescribed for choosing members in the House of Representatives of this Commonwealth, fifteen suitable persons to serve as commissioners in and for the said incorporated district; and the five persons who shall have the greatest number of votes shall be commissioners for three years next following, the five persons who shall have the next greatest number of votes shall be commissioners for two years next following, and the five persons who shall have the least number of votes shall be commissioners for one year thence next following, and that on the last Monday in March annually thereafter forever, five persons shall be chosen as aforesaid to serve as commissioners in the said district, for the term of three years: *Provided,* That in all cases wherein the number of votes shall be equal for two or more candidates, the preference shall be decided by lot, to be drawn by one of the judges in the presence of the other judges and inspectors of the election.

Time and place of election for commissioners.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all elections to be held in pursuance of this act, shall be conducted by two judges and three inspectors, who shall be appointed at the same place where such elections shall be held, within one hour preceding the opening of the same by the electors then assembled; and each of the judges and inspectors so appointed, shall take an oath or affirmation before some judge or justice of the peace of the said county, before entering on the duties in and by this act enjoined, well

Manner of conducting elections.

Commissioners may appoint place to hold elections. and faithfully to discharge the same, according to the best of his skill and abilities; and all elections to be held after the last Monday in March next, shall be held at such place as the said commissioners shall appoint within the said district, of which elections the said commissioners shall give at least ten days previous notice, by hand-bills posted up in at least ten of the most public places within the said district.

Elections regulated as general election. *SECT. 4. And be it further enacted by the authority aforesaid,* That all elections to be held in pursuance of this act, shall be held and conducted, except as by this act is otherwise directed, in like manner as by the laws of this Commonwealth is, or shall be directed for holding the general elections for persons to serve in the House of Representatives, under and subject to the same rules and penalties; and when each election shall be closed, the judges and inspectors of the same, or a majority of them, shall under their respective hands and seals certify to the board of commissioners the names of the commissioners elect, with the number of votes in favor of each, and shall within two days after such election, give notice in writing to each of the commissioners elect of their respective elections.

Time of meeting for commissioners. *SECT. 5. And be it further enacted by the authority aforesaid,* That the commissioners who shall be elected on the last Monday in March next as aforesaid, shall meet together at the said tavern, sign of the White Horse, between the hours of nine and eleven in the forenoon, on the fourth day after the said election, and after being qualified as hereinafter directed, shall fix upon some place for their future meetings, which may be altered by the said commissioners from time to time as they shall deem the same necessary, and that on the fourth day after every succeeding election the commissioners elected at the time, shall together with those whose period of service shall not have expired, meet at the place appointed for holding such meeting, and shall after the said commissioners elect shall be qualified as hereinafter directed, proceed to the business of the said corporation.

Qualifications of commissioners. *SECT. 6. And be it further enacted by the authority aforesaid,* That each commissioner elected and returned as aforesaid, shall before he enters on the duties of his said office, take an oath or affirmation before some judge or justice of the peace of the county of Philadelphia, well and faithfully to execute the office of a commissioner of the said district, and shall thereupon without any further or other commission enter upon the duties thereof.

Vacancies how supplied *SECT. 7. And be it further enacted by the authority aforesaid,* That in case two or more vacancies shall happen by death, removal or otherwise, such vacancies may be supplied at the next stated election, or a majority of the board of commissioners may appoint special elections for supplying such vacancies, of which they shall cause to be given at least six days notice by hand-bills, posted up in at least ten of the

most public places within the said district, and such election shall be conducted, and the proper return thereof made in manner and form as is hereinbefore directed, and the persons so chosen and qualified as aforesaid, shall be commissioners for the remainder of the term that the commissioners in whose places they were elected had been elected for.

SECT. 8. *And be it further enacted by the authority aforesaid,* That a majority of the whole number of the said commissioners shall be a quorum for transacting all business, except for the purchase and sale of real estate, for mortgaging or encumbering the same, or for borrowing money, for which purpose the concurrence of two thirds of the whole number of commissioners shall be essential; and the said commissioners shall not receive any compensation for their services, and at all their meetings the door of their place of meeting shall be open for the admission of any peaceable and orderly citizens.

Majority of commissioners a quorum.

Two thirds may borrow money, &c.

SECT. 9. *And be it further enacted by the authority aforesaid.* That the said commissioners shall have full power and authority to make, ordain and establish such laws, ordinances and regulations not inconsistent with the constitution and laws of this Commonwealth, and to appoint such officers, under such restrictions as they shall deem necessary, for the good order and government of the said district, and the same to alter or annul at their pleasure.

Bye-laws.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the peace for the county of Philadelphia, shall have, and they are hereby vested with full power and authority to inquire of, hear, try and determine all offences which shall be committed within the said incorporated district, contrary to this act, or against any of the laws, ordinances or regulations that shall be made, ordained and established in pursuance of this act, and punish the offender or offenders as by the said laws, ordinances or regulations shall be prescribed or directed, except where the fines, penalties or forfeitures shall not exceed the sum of one hundred dollars, which shall be recoverable before any justice of the peace of the said county: *Provided always,* That if any person or persons shall think him, her or themselves aggrieved by any judgment given by any justice as aforesaid, it shall and may be lawful for such person or persons at any time within twenty days next following the date of such judgment, to appeal therefrom to the next court of quarter sessions of the said county, he, she or they, first entering into recognizance with at least one sufficient surety, in double the amount of such judgment to prosecute the said appeal with effect, and to abide the order of the court.

Quarter sessions may try offences against this act.

Proviso.

SECT. 11. *And be it further enacted by the authority aforesaid,* That no law, ordinance or regulation of the said commissioners shall go into operation until the same shall be published in one or more of the public newspapers published in

Laws, &c. must be published.

the said district, or in the city of Philadelphia, and in hand bills posted up in not less than ten of the most public places in the district aforesaid, and also recorded in the office of the recorder of deeds for the city and county of Philadelphia, who shall be allowed and paid for recording thereof, at the same rate as is allowed to him for recording other instruments of writing: and that before any of the said laws, ordinances or regulations shall be recorded as aforesaid, the publication thereof respectively, shall be proved by the oath or affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time and manner of such publications.

Proved before recorded.

Power of commissioners.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to limit the depth and distance from the line of the adjoining neighbor's ground, of all vaults or sinks hereafter to be dug within the said district for privies or necessaries, and if any person or persons shall dig or cause to be dug, any such vaults or sink for a privy or necessary of any greater depth, or nearer the adjoining neighbor's line than shall be limited as aforesaid, every such person so offending and being thereof convicted, shall forfeit and pay the sum of one hundred dollars, to be recovered in the same manner as debts of the same amount are now or hereafter may be recoverable, to be appropriated towards defraying the contingent expenses of the said corporation, and the said vault or sink shall be filled up at the expence of the owner or owners thereof.

Regulators of boundary lines.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the said commissioners be, and they hereby are authorized and enjoined to appoint a sufficient number of skilful persons as regulators of the said incorporated district, and the said regulators, or any one or more of them, shall have full power and authority, with or without, his or their assistant or assistants, to enter upon the land of any person or persons for the purpose of regulating and marking the lines or boundaries of any lot or lots of ground required to be regulated, and if any person or persons shall erect any building or buildings adjoining to or upon any street, road, lane, court or alley, or on the line of his, her or their neighbor's ground, without first applying to and having the line or lines thereof regulated and marked as aforesaid; or, if after having the lines or boundaries regulated and marked as aforesaid, shall deviate therefrom by extending his, her or their building or buildings, beyond any or either of the lines or boundaries marked as aforesaid, unless determined otherwise, on an appeal every person employed, as well as the owner and master builder, shall severally forfeit and pay the sum of fifty dollars, to be recovered in the same manner as debts of the same amount are now or hereafter may be by law recoverable, one half thereof to be appropriated to the use of the commissioners

§ 50 forfeiture for extending buildings beyond the line.

aforesaid; for the purpose of defraying the contingent expenses of the said corporation. and the other half to the use of the person or persons suing for the same: *Provided*, That the same shall not be recoverable unless prosecuted within six calendar months after the offence be committed; and, if any person or persons shall enclose or fence in any lot or lots of ground, without first having the lines or boundaries thereof regulated and marked as aforesaid, or if after having the lines or boundaries regulated and marked as aforesaid shall deviate therefrom, so as to enclose part of his, her or their neighbor's ground, unless so determined on an appeal, every such person as well the owner, as the person or persons making such fence shall be compelled forthwith to remove the same, and shall forfeit and pay the sum of twenty dollars, to be recovered and appropriated in the manner hereinbefore directed in respect to buildings; and that the said regulators or some one or more of them, shall enter in a book to be prepared by and kept at such place as the said commissioners shall provide and direct, all regulations, orders or awards by him or them made in pursuance of this act. and all such regulations, orders or awards, if made with reasonable notice to the parties interested shall be conclusive, unless the same be set aside on an appeal; and that all appeals hereafter to be made from the regulation, order or award of the said regulators, or any one or more of them as aforesaid shall be made, and lie to the next court of common pleas to be holden for the county of Philadelphia, within twenty days from and next after the time of making such regulation, order or award appealed from, and upon security being entered by the party appealing, for the payment of all costs in case he, she or they shall not prevail in his, her or their appeal. the said court shall try the matter in dispute by jury according to law: *Provided*. That no person or persons under age, non-compos mentis, feme covert, imprisoned or out of the United States shall be affected by any regulation, order or award as aforesaid, until the expiration of twelve months notice thereof in writing after coming to full age, sound mind, discovery, being at large or returning into the United States, within which period his, her or their appeal may be entered and prosecuted as aforesaid.

SECT. 14. *And be it further enacted by the authority aforesaid*, That it shall be lawful to place the centre of all party-walls hereafter to be erected between party and party within the said district, on the line of the ground of the parties between whom such party-walls shall be erected: *Provided*, Such party wall or walls shall not be of a greater or less thickness than shall be necessary for a good substantial dwelling-house, of which thickness the said regulators shall judge, and the first builder shall be reimbursed one moiety of the value of such party-wall, or so much thereof as the next builder shall have occasion to make use of, before the next builder shall use or break into the said wall or walls, the va-

Proviso.

Fence may be removed.

Regulators shall give notice.

Appeals to be made to the court of common pleas in 20 days.

2d Proviso.

Party-walls.

Proviso.

lue thereof to be fixed by any one or more of the said regulators, or by arbitrators mutually chosen.

Possession not to confirm right.

Regulators shall direct party walls.

Forfeiture.

Writs of prosecution.

Treasurer.

Surety.

SECT. 15. *And be it further enacted by the authority aforesaid,* That no length of possession shall be sufficient to confirm any holder or holders of property, in the right to the ground heretofore built on, beyond the line of any public street, road, lane or alley; and if any person or persons shall hereafter lay, or begin to lay, the foundation of any party-wall or walls, adjoining to, or upon the the line of any street, road, lane or alley, or shall erect any frame building within the said incorporated district without first applying to the said regulators, and having the lines and boundaries of said lot or piece of ground, whereon the said foundation is or ought to be laid or frame building erected, surveyed and marked out, or if after having the lines and boundaries surveyed and marked out as aforesaid, shall neglect or refuse to build agreeably thereto, and shall extend such foundation or building a greater distance beyond the same than is allowed by law, in either case, unless determined otherwise on an appeal, every such person or persons, as well the owner of the ground as the master, builder or builders, shall forfeit and pay the sum of forty dollars, to be recovered as debts not exceeding one hundred dollars now are or hereafter may be by law recoverable, one half thereof to be appropriated to the use of the board of commissioners for the purpose of defraying contingent expenses of the corporation, and the other half to the informer with costs; and every such building or wall so extending beyond the line of any street, road, lane or alley, shall be removed at the expense of the owner or owners thereof, provided the prosecution be commenced within one year from the time the offence shall have been committed.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said commissioners be, and they hereby are authorised and enjoined to appointed a treasurer of the said corporation, who shall not at the same time be a commissioner, and who before he enters on the duties of his office, shall give bond with two sufficient sureties to the said commissioners in such penalty as they may deem sufficient, conditioned that he will well and faithfully execute his office under the direction of the said commissioners, that he will not apply the money of the corporation to his own private purposes, and that he will once in every year or oftener if required, render and settle his accounts with the said commissioners, and that upon his death or the appointment of another treasurer in his room, which the said commissioners are hereby authorised to do whenever they see cause, he, or his executors or administrators shall settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble such commissions only as shall have been fixed by the said commissioners at the time of his appointment,

and all elections and appointments held and made by the said commissioners shall be viva voce and not otherwise. Elections
viva voce.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act to authorise the inhabitants of the Northern Liberties within a certain described part thereof, to regulate the streets, lanes and alleys within the same, and for other purposes therein mentioned," passed the seventeenth day of April, one thousand seven hundred and ninety five, so far as the same respects any part of this incorporated district, be, and the same is hereby repealed; but that the survey and regulation so far as the same has been made within the said district, in pursuance of the said act hereby repealed, and returned into the office of the clerk of the court of quarter sessions of the county of Philadelphia, shall be and remain fixed and unalterable. Former law repealed.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby authorised and required to appoint one or more surveyors, who are hereby enjoined and required as soon as conveniently may be, to survey and mark the lines of all the streets, roads, lanes, courts and alleys now open or intended to be opened for public use within the said district, which have not been surveyed and returned as aforesaid, and also to survey and lay out such other new streets, roads, lanes, courts and alleys, and common sewers within the said district, as he or they shall deem necessary for a regular and convenient town plan, and for the more equal distribution and ready discharge of the waters thereof, and to regulate the height of the streets and gutters, and the width of the footways thereof, and for that purpose the said surveyor or surveyors shall have full power and authority with, or without his or their assistant or assistants, to enter upon the land of any person or persons within the said district; and when the said survey and regulation shall be completed, the said surveyor or surveyors shall make or cause to be made two draughts or plans thereof, with every explanation necessary for a full understanding of the same, and one of the said draughts or plans shall be returned to the said commissioners, who shall keep the same in such place as they shall fix upon, and the other of the said draughts or plans shall be returned to the clerk of the court of quarter sessions of the county of Philadelphia, to be filed in his office for public inspection and examination; and it shall be the duty of the said commissioners to give at least thirty days previous notice, in at least two of the public newspapers published in the city of Philadelphia, and by hand-bills posted up in at least ten of the most public places in the said district, that on a certain day to be appointed by the court the said court will hear any objections that may be made thereto by any freeholder of the said district, and where the said draughts or plans are deposited for inspection; and the said court shall at the time appointed, adjudge and determine whether any and Streets, roads, &c.
Draft of surveys.
30 days notice of hearing before the court.

Court may
adjudge al-
terations.

Unalterable
after judg-
ment.

Application
to court of
quarter ses-
sions.

Court may
issue warrant

Proviso.

Commission-
ers may ap-
point survey-
ors.

Duty of sur-
veyors.

what alteration shall be made therein, and shall direct the said draught or plan with such alterations as shall be made to be recorded in the office for recording of deeds for the city and county of Philadelphia, and thenceforth all the streets, roads, lanes, courts and alleys shall be forever deemed, adjudged and taken to be public highways, and the survey and regulations so returned and recorded shall be and remain unalterable; and inasmuch as the public convenience will be for the present answered by the certain knowledge where, and in what manner such streets, roads, lanes, courts and alleys will in future run, but as it may not be necessary immediately to lay all of them open, and in order to provide for the opening of the same from time to time as the increasing improvement of the district may require, it shall and may be lawful for any number of freeholders of the said district, not less than seven, whose lands lie near or adjoining to such street, road, lane, court or alley, to apply by petition to the court of quarter sessions of the county of Philadelphia, who after hearing the petitioners and such other freeholders, through whose lands such street, road, lane, court or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time to direct the opening of the same, and if the court shall be of opinion that the state of improvement in the neighborhood is such as to require the opening thereof, they shall issue their warrant directed to the superintendent of the streets, roads, lanes, courts or alleys in the said district, enjoining and requiring him to open such street, road, lane, court or alley according to the plan or draught of the same: *Provided always*, That no such street, road, lane, court or alley so laid out, shall be opened and appropriated to public use until the owner or owners of the ground through and over which the same may pass, shall have been compensated for any damage he or they may sustain thereby, which compensation shall be ascertained and paid agreeably to the provisions of an act, entitled "A supplement to the act, entitled, an act for laying out and keeping in repair the public highways within this Commonwealth, and for laying out private roads," passed the third day of April, one thousand eight hundred and four.

SECT. 19. *And be it further enacted by the authority aforesaid*, That if in the opinion of the commissioners the state of improvement in the district should require it, or would be promoted by it, the surveyor or surveyors appointed or to be appointed under the eighteenth section of this act, shall be and they are with the approbation of the commissioners hereby authorised and empowered from time to time, as they shall see fit to execute and perform the duties and powers in and by the said act enjoined and conferred, in such parts and to such extent as to them shall seem convenient and necessary, whether such part consist in surveying and laying out new streets, roads, lanes, courts, alleys or common sewers, in sur-

veying and marking the lines of any streets, roads, lanes, courts or alleys now open or intended to be opened for public use, or in regulating the height of any streets, gutters, or the width of the foot-ways thereof, and the draughts or plans of any such part or parts being from time to time made, returned, and in all respects proceeded upon in the manner prescribed by the act before recited, passed on the third day of April, one thousand eight hundred and four, shall with respect to the part or parts therein comprehended have the same force and effect as if one general draught or plan had been made, returned and proceeded on, any thing in this act contained to the contrary notwithstanding.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the said commissioners shall whenever required as the said survey and regulation shall progress, draw orders on their treasurer for the pay and incidental expenses of the said surveyor or surveyors, who is hereby enjoined and required to pay the amount of such order or orders out of such money in his hands as is not otherwise appropriated. Surveyors to be paid out of the treasury.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the expense of repairing the pumps and wells which may hereafter be sunk and erected by any of the inhabitants of the said district, shall not be defrayed by the board of commissioners, unless the depth of the wells, the quality of the materials with which the pump and well are constructed, and the distance of the same from the line of the street be conformable to the regulation which is or may be made and established by the same. Expense of pumps only in certain cases paid by commissioners.

SECT. 22. *And be it further enacted by the authority aforesaid,* That no street, road, lane, court or alley shall be hereafter laid out or opened by the public, or by individuals for public use, of a less width than twenty feet, and that all streets, roads, lanes and alleys which have been heretofore laid out, opened and appropriated to public use within the said district by private persons, and communicating and running from and to other public highways, shall to all intents and purposes be held, deemed and taken to be highways as fully and completely according to their extents, as if the same had been laid out by order of the court of quarter sessions: *Provided,* The same be not less than twelve feet in width. Streets, &c. not less than 20 feet wide. Proviso.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the commissioners shall have full power and authority, upon the application of a majority of the owners of property on any square or squares in the said district, who shall be proprietors of more than one half of the property fronting on said square or squares, to pave or cause to be paved agreeably to the regulations made, and to be made and established as aforesaid, the foot ways and gutters in the said square or squares in such manner as they may direct, and shall assess the freeholders in front of whose ground such Majority of owners may require paving to be done.

Proviso. foot ways and gutters shall be paved, and for keeping the same in repair in front of their respective lots: *Provided always*, That all and every owner or owners of ground shall have the privilege of paving the foot-way on their own front aforesaid, so that they have it completed within thirty days after due notice in writing being given for that purpose by the said commissioners, or by any person by them appointed:

2d Proviso. *And provided further*, That no person shall be obliged to pave any foot-way to a greater breadth than five feet in front, on any lot whereon a dwelling-house has not been erected.

Power to tax. **SECT. 24.** *And be it further enacted by the authority aforesaid*, That the said commissioners shall have full power and authority to lay annually any tax not exceeding one half per cent. on the value agreeably to the county assessment of all the real and personal estates within the said district, and also on all persons residing within the same, and their occupations, to be applied to the purposes of defraying the expenses of the general survey and regulation aforesaid, of opening and repairing the public highways within the said district, keeping the public pumps in repair, and all other expenses not herein before provided for, necessary for carrying this act into execution, and to have the like power to collect the same, and the other taxes hereinbefore mentioned, as is exercised in collecting the county tax within this Commonwealth, and all taxes when collected shall be paid to the treasurer for the use of the said corporation: *Provided always*, That the said district shall not hereafter be assessed or bound to contribute towards any tax whatever, in maintaining and repairing any roads or highways other than those within the limits of the said district.

Proviso.

Accounts to be published. **SECT. 25.** *And be it further enacted by the authority aforesaid*, That the said commissioners shall cause all accounts of receipts and expenditures of money to be published up to the thirty-first day of December, inclusive, in each and every year, within three months thereafter, and the vouchers may be viewed at any reasonable hours by any taxable inhabitant residing within the bounds of the corporation who may demand the inspection thereof; and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons and at like times as the accounts aforesaid: *Provided*, That no inspection thereof shall be permitted until three months after making such minutes respectively, unless eight commissioners, the names of whom shall be entered on the minutes, consent thereto.

Keep minutes.

Proviso.

Corporation not to be defeated by misnomer, &c. **SECT. 26.** *And be it further enacted by the authority aforesaid*, That no misnomer of the said corporation, provided the intent of the party or parties sufficiently appear, shall defeat or annul any act or intention of such party or parties, nor shall any non-user or neglect of the rights, liberties, privileges, jurisdictions and authorities hereby granted to the said corporation or any of them, create or cause a forfeiture thereof.

SECT. 27. *And be it further enacted by the authority aforesaid,* That any inhabitant of the said district, if otherwise qualified, may be a witness in all controversies arising under this act. Qualification of witnesses

SECT. 28. *And be it further enacted by the authority aforesaid,* That the electors of the said incorporated district, shall on the same day, and at the same place where they meet to elect commissioners for the said district, annually elect two or more suitable citizens residing in the said district to be assessors in the said district for the term of one year, and also two other suitable citizens residing in the said district as constables, and return the names of the latter to the next general court of quarter sessions to be held for the county of Philadelphia, and the said court shall appoint one of them constable for the said district; and if either of the said constables elected and appointed as aforesaid, refuse or neglect to take upon him the office to which he shall be appointed as aforesaid, or in case of vacancy by dismissal from office for misconduct, death, resignation or removal from the said district, the court shall appoint another proper person to serve the office of constable, for and during the term or residue of the term which the person in whose room he shall be so appointed was bound to serve: *Provided always,* that nothing herein contained shall be deemed or taken in any manner to affect the right of the inhabitants of the township of the Northern Liberties, not within this incorporated district, to elect constables as heretofore: *And provided also,* That the electors of the said district shall not be entitled to vote at the elections of constables for the township of the Northern Liberties, not included in said incorporated district. Annual election.
Constables.
Vacancy, the court may supply.
Proviso.
2d Proviso:

SECT. 29. *And be it further enacted by the authority aforesaid,* That every constable elected and appointed under this act shall before entering on the duties of his office, give like security and of the same amount, and he and every person and persons acting under his direction, shall be subject to the like penalties in the same cases, and to be recovered in the same manner as are provided with respect to the constables of the township of the Northern Liberties, by any act or acts of Assembly now in force. Constable to give security.

SECT. 30. *And be it further enacted by the authority aforesaid,* That all public landing places at the junction of any of the streets in the said district, with the river Delaware or otherwise, which now are or hereafter may be laid out, shall be and the same are hereby vested in, and the title thereto confirmed to the aforesaid board of commissioners and their successors, for the use and benefit of the inhabitants of the said district. Landing vested in the commissioners.

SECT. 31. *And be it further enacted by the authority aforesaid,* That the market-house lately erected on Beach and Maiden streets in the said district, and the lots thereto belonging, heretofore granted for public use by the proprietors Market-house vested in the corporation.

thereof, and all lands and landing places, tenements, hereditaments, ferries, wharves, markets, stalls, rights, franchises, liberties, privileges, goods, chattles and effects whatever, whereof any person or persons, bodies politic and corporate are seized or possessed, or which they or any of them hold or enjoy in trust for or to, and for the use of the inhabitants of the said district, to which the said inhabitants are entitled, be and they are hereby severally and respectively vested in the said corporation or body politic and their successors, in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said inhabitants and their successors forever, saving nevertheless, to all and every person and persons, and bodies politic and corporate, his, her and their rights, in all and every part of the estates, in this and the next preceding section mentioned or described, other than so far as it vests the trust thereof in the hands of the commissioners of the said incorporated district.

Commissioners may appoint corders

SECT. 32. *And be it further enacted by the authority aforesaid,* That the board of commissioners shall have full power and authority to appoint a suitable person or persons, under such security and penalties as to them may appear necessary, for the inspection and measurement of all cord wood that may be landed or offered for sale within any part of the said district, and to make, ordain and establish such, and so many laws, ordinances and regulations not inconsistent with the constitution and laws of this Commonwealth, as shall be necessary and convenient for affixing the tolls and rate of wharfage, for all articles brought to public landings within the said incorporated district, for directing the conduct of all persons concerned in buying, selling or acting on any part of the estate belonging to the said corporation.

Guardians of the poor.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the said commissioners be, and they are hereby authorised and empowered on every third Monday of May, and every third Monday of November, annually, to appoint three citizens to be guardians of the poor for the said district, subject to the same rules that the select and common councils, and the commissioners of the district of Southwark are subjected to in the choice of the guardians of the poor, and also annually on the afternoon of the second Monday of March, between the hours of two and six o'clock, to appoint one citizen to be a member of the board of health for the said district, and the said three guardians of the poor and member of the board of health so appointed, shall respectively have the like rights, powers and privileges, and be respectively subject to the like duties, fines, penalties and forfeitures, as the other guardians of the poor, and the other members of the board of health respectively, now are, or hereafter may be by law entitled or subject to.

Their powers

SECT. 34. *And be it further enacted by the authority aforesaid,* That so much of any act or acts of Assembly as are

hereby altered or supplied be, and the same is hereby repealed so far as respects this district, saving the right of collection of any taxes heretofore laid and uncollected, under any such act or acts. Repeal of former laws.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the sixth day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER LIII.

AN ACT

To incorporate the president, directors and company of "The Pennsylvania and New-Jersey communication company."

SECT. 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 Pierce Butler, Robert Waln, William Meredith, Andrew Bayard, Charles Penrose, Edward Pennington, Edward Sharp, Caleb Newbold, Isaac Mickle, Samuel L. Howell, Samuel Harris and Henry Chew, or the survivors of them be, and they are hereby appointed commissioners to do and perform the several acts and duties hereinafter mentioned: That is to say, the said commissioners shall procure at least two books for the subscription of not exceeding twelve thousand shares of the capital stock, at fifty dollars for each share, and therein enter as follows:—"We whose names are hereunto subscribed, do promise to pay either to the commissioners, or to the president, directors and company of the Pennsylvania and New-Jersey communication company, at the time of subscribing, five dollars on each share of stock set opposite our respective names, and forty-five dollars on each share in such manner and proportions, and at such times as shall be determined by the said president, directors and company of the Pennsylvania and New-Jersey communication company."*

Stock of the company 12000 shares at \$ 50 each.

And the said commissioners shall thereupon give notice in two or more of the public newspapers printed in the city of Philadelphia, and in one or more of the public newspapers printed in Trenton, for at least ten days, of the times and places, when and where the said books shall be opened to receive subscriptions Notice for opening the books.