

\$40 gratuity
to Thomas
Abbot.

SECT. 4. *And be it further enacted by the authority aforesaid,*
That the State Treasurer be and he is hereby authorized
and required, to pay to Thomas Abbot, of Adams county, a
soldier of the revolutionary war, or to his order, forty dollars,
as a gratuity and compensation in full for his revolutionary
services.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty fourth day of March, A. D.
one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 93.

AN ACT

To enable the Mayor, Aldermen, and citizens of Philadelphia to carry into
effect certain improvements, and execute certain trusts.

Preamble.
Relative to
the will of
Stephen
Girard.

WHEREAS, By the last will and testament of Stephen Girard, late of the city of Philadelphia, deceased, the sum of five hundred thousand dollars is bequeathed to the mayor, aldermen, and citizens of Philadelphia, in trust among other things, to apply the income thereof "first, to lay out, regulate, curb, light and pave a passage or street on the east part of the city of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called Delaware Avenue; extending from South or Cedar street, all along the east part of Water street squares, and the west side of the logs which form the heads of the docks, or thereabouts; and to this intent, to obtain such acts of assembly, and to make such purchases or agreements as will enable the mayor, aldermen, and citizens of Philadelphia to remove or pull down all the buildings, fences, and obstructions which may be in the way, and to prohibit all buildings, fences, or erections of any kind to the eastward of said avenue, to fill up the heads of such of the docks as may not afford sufficient room for the said street, to compel the owners of wharves to keep them clean, and covered completely with gravel or other hard materials, and to be so levelled that water will not remain thereon, after a shower of rain, to completely clean, and keep clean, all the

docks within the limits of the city, fronting on the Delaware; and to pull down all platforms carried out from the east part of the city, over the river Delaware, on piles or pillars." "Second, To pull down and remove all wooden buildings, as well as those made of wood and other combustible materials as those called brick-paned, or framed buildings, filled in with bricks, that are erected within the limits of the city of Philadelphia; and also to prohibit the erection of any such building within the said city's limits at any future time." "Third, to widen, pave, and curb Water street, and to distribute the Schuylkill water therein, upon" a certain plan therein set forth. Now, for the purpose of enabling the mayor, aldermen, and citizens of Philadelphia aforesaid, to effect the improvements contemplated by the said testator, and to execute in all other respects the trusts created by his will, to enable the constituted authorities of the city of Philadelphia to carry which into effect, the said Stephen Girard has desired the legislature to enact the necessary laws.

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 it shall and may be lawful for the mayor, aldermen and citizens of Philadelphia, by ordinance lawfully enacted, or the intervention and act of authorized officers or agents, to lay out, regulate, curb, light, and pave a passage or street, not less than twenty-one feet in width, on the east part of the city of Philadelphia, fronting the river Delaware, at such distance or distances in the several parts thereof from the eastern line of Water street as they shall judge proper, extending from Vine to Cedar street, to be called the Delaware Avenue; and that, having laid out such street, they shall cause a record of the same to be made in the court of Quarter Sessions for the county of Philadelphia.

Mayor, aldermen, &c. invested with power to open Delaware avenue.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the mayor, aldermen, and citizens of Philadelphia aforesaid, in manner aforesaid, to lay out Water street, in the said city, anew, in such manner as that the same shall be as nearly straight as conveniently may be, and of a uniform, or as near as may be uniform width throughout, not less than thirty-nine feet, if practicable, and the same to open and keep open for ever, as a common and public highway; and that having laid out said Water street of such increased width, they shall cause a record of the same to be made in the court of Quarter Sessions for the county of Philadelphia.

To improve Water street.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the mayor, aldermen, and citizens of Philadelphia aforesaid, to pass ordinances, or take other measures for regulating, adjusting, and determining the easternmost line to which wharves may thereafter law-

To regulate, &c. the Delaware wharves.

fully be constructed on the river Delaware, fronting said city, and to cause a record of such regulated line to be made in the court of Quarter Sessions for the county of Philadelphia; to fix and decide on, or cause their officers to fix and decide on the levels of all wharves fronting the said city, and to declare the regulation thereof; to require the owners thereof to pave the same or to lay them with gravel, according to such regulation, so as effectually to drain and pass off the water from the same, and to require all persons owning and occupying or using docks or wharves, to cleanse the same and to keep the same in repair, and to prescribe the form, materials, and character of workmanship of all wharves hereafter to be constructed, and to require all platforms now projecting into the river Delaware, and supported on piles, pillars or piers, to be removed, and to prohibit the construction, in future, of any such projecting platforms; and to require the removal, and prohibit the construction, in future, of all buildings, fences, and other obstructions, to the eastward of Delaware Avenue, above mentioned, and to declare all erections and constructions whatsoever, contrary to the said ordinances, whether erected before or after the passage of the same to be nuisances, and generally to devise, ordain and execute whatever other things shall by them, the said mayor, aldermen, and citizens of Philadelphia aforesaid, be deemed necessary or convenient for the good arrangement, security and government of the said wharves: *Provided*, That the easternmost line of the said wharves shall not be held to be finally determined, and the record thereof shall not be made, as aforesaid, unless the board of wardens, of the port of Philadelphia, shall decide and make their certificate in writing, that such easternmost line is not inconsistent with the public interests, which certificate shall also be recorded in the said court of Quarter Sessions; but if the said certificate shall not be granted by them, within three months after application made therefor, the refusal or omission of the said board of wardens to grant such certificate, shall, when duly verified by affidavit, be esteemed the judgment and decision of the said board of wardens, that such easternmost line is inconsistent with the public interests, and in case such a decision shall in any wise be made, an appeal shall lie therefrom to the said court of Quarter Sessions, as in other cases, and the judgment of the said court, in favor of such regulated line, shall be, for all purposes, equivalent to a similar decision by the said board of wardens: *Provided*, That nothing herein contained shall be construed to give authority to any one to erect wharves, or piers, extending out as far as the said regulated easternmost line, without license from the said board of wardens, as heretofore.

Proviso.

Certificate of wardens of the port rel. to eastern limit of wharves.

2d proviso.

On the same subject.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the mayor, aldermen, and

citizens of Philadelphia aforesaid, to pass ordinances, prohibiting the construction within the said city, or any parts thereof, of all framed or brick-paned or other buildings, the walls whereof are not wholly composed of incombustible materials, determining the thicknesses of which walls of buildings of different dimensions and character shall hereafter be made in the said city, and in making all such other legal provisions as they shall think expedient for preventing the extension of injuries from fire, in the said city, and to declare all buildings, the walls whereof are not wholly composed of incombustible materials, to be nuisances.

Power granted relative to the mode of constructing, and the materials for buildings.

SECT. 5. *And be it further enacted by the authority aforesaid,* That when any of the said ordinances shall have been passed, or other proceedings had in relation to the said Delaware Avenue and Water street, or either of them, and the record thereof shall have been made as aforesaid, it shall be lawful for the mayor, aldermen, and citizens of Philadelphia aforesaid, to proceed, from time to time, to open for public use, any part or parts thereof, and the same to keep open as common and public highways forever; and to that end, to enter upon such property as may be found to be within the same, construct wharves extending into the river, within the lines of said Delaware Avenue, and to a reasonable distance beyond the same, and fill up all docks within the limits thereof, and remove all obstructions, of whatever kind, from within the limits of said avenue and street, or any parts thereof, and level, drain, pitch, and pave the same, as other streets in the said city. And from and after the passing of such ordinances, and the record of the said avenue and street, all buildings, thereafter erected or rebuilt on the said avenue and street shall conform to the recorded limits of the same, and the mayor, aldermen and citizens of Philadelphia aforesaid, may pass ordinances, declaring all obstructions within the same to be nuisances.

Relative to the progressive opening of Delaware avenue and Water street.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall at all times be lawful for the mayor, aldermen and citizens of Philadelphia, aforesaid, to remove and abate any building, erection or obstruction whatever, which, by this act, or by any ordinance to be hereafter passed by virtue of it, may be declared a nuisance: *Provided,* That if such building, erection or obstruction shall have been in existence at the time of the passage of this act, or of such ordinance passed by virtue hereof, the mayor, aldermen and citizens aforesaid shall give at least three months notice of their intention to remove the same to the persons having the ownership, occupation or use thereof, or in case no such persons shall be known to them, then they shall affix a copy of such notice to and upon such building, erection, or obstruction, three months before proceeding to remove the same.

Power to remove nuisances.

Proviso. Notice of removal in certain cases.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said the mayor, aldermen and citizens of Philadelphia, aforesaid, to provide for the punishment of any person or persons who shall commit any nuisance contrary to the intent and meaning of this act, and of the ordinances which may be passed by virtue thereof, and of any person or persons who having committed any such nuisance, shall, after notice, refuse or neglect to remove the same.

SECT. 8. *And be it further enacted by the authority aforesaid,* That all persons whatsoever who shall receive damage to their property by reason of any thing which shall have been done by the mayor, aldermen and citizens of Philadelphia, under this act, or any ordinances passed by virtue hereof, may, after ten days notice of such their intention, to the mayor, aldermen and citizens aforesaid, apply by petition in writing, to the court of Quarter Sessions for the county of Philadelphia, who shall thereupon appoint a jury of twelve disinterested freeholders, citizens of the city of Philadelphia, which jury shall assemble, after ten days notice of their meeting, given as aforesaid, and shall be sworn or affirmed to inquire what damages the petitioners, or any of them, have sustained by reason of any thing so done, considering as well the advantages which may accrue to such petitioners as the injuries by them complained of, and the said jury having viewed the premises and heard the parties, or their counsel, shall report in writing, under the hands of at least ten jurors, and their report having been considered and confirmed by the court, the damages thereby found shall be paid by the mayor, aldermen and citizens aforesaid, in six months after the confirmation of the said report.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if the mayor, aldermen and citizens aforesaid, shall deem it expedient that the damages should be legally ascertained before proceeding to enter on premises for the purpose of removing obstructions, and before appropriating to public use any property of individuals, or otherwise injuriously affecting the rights and interests of any proprietor, the mayor, aldermen and citizens aforesaid may, from time to time apply to the court of Quarter Sessions for the county of Philadelphia, by petition, in writing, specifying therein as nearly as may be the persons and property in regard to which they desire that the damages should be ascertained, and thereupon the said court shall appoint a jury of twelve disinterested freeholders, citizens of the city of Philadelphia, which jury shall assemble, after ten days notice of their meeting given to the owners or occupiers of the property, and shall be sworn or affirmed, as is provided in

Power to provide for punishment of offenders.

Redress of persons injured.

Mode of ascertaining damages to individuals.

Of the assessment of damages prior to removal of obstructions.

Court to appoint twelve viewers.

the foregoing section of this act, and having viewed and heard, as is therein provided, shall report in writing, under the hands of at least ten jurors, specifying in their said report as well the causes for which damages, if any should be paid, as the amounts of such damages, and in such case the mayor, aldermen and citizens aforesaid may, within one year after the confirmation of such report by the court of Quarter Sessions, tender to any owner of property named therein, the amount of damages thereby found in his favor, or may pay the same into court, for his use and benefit, and may thereafter proceed to enter upon the premises, and remove the obstructions, or appropriate the property for which damages shall have been so paid or tendered, first giving three months notice to the tenant in possession, if any: *Provided however*, That if the amount so found by such jury in favor of any owner, shall not be so tendered or paid within one year after the confirmation of such report, then the proceedings had upon the said petition of the mayor, aldermen, and citizens aforesaid, shall, so far as relates to the said owner, be null and void, and the mayor, aldermen, and citizens aforesaid, may thereafter present their petition in writing anew, under this section, as if no proceedings had before been had: *And provided also*, That when a report shall have been made by a jury, under the provisions of this section, and damages shall have been tendered or paid, in accordance therewith, if thereafter any other damage than that reported on shall be sustained, the party aggrieved may thereafter apply, in regard to such other damages, for a jury to assess the same, under the eighth section of this act: *Provided further*, That it shall at all times be competent to the mayor, aldermen, and citizens aforesaid, to agree with any owner or owners of property, so to be taken, removed, or affected for the damages thereby to be occasioned, and such agreement shall be instead of any of the proceedings detailed in this or the foregoing sections of this act: And, forasmuch as in the course of time it may appear that powers are not vested in the said the mayor, aldermen, and citizens of Philadelphia which may be yet required to the full execution of those parts of the said will of the said Stephen Girard, for the carrying of which into effect he has in his said will requested legislative provision, and it is the object and intent of this act fully to confer all such powers.

SECT. 10. *Be it further enacted by the authority aforesaid*, That it shall be lawful for the mayor, aldermen, and citizens of Philadelphia, to exercise all such jurisdiction, enact all such ordinances, and do and execute all such acts and things whatsoever as may be necessary and convenient for the full and entire acceptance, execution, and prosecu-

Their report,
&c.

Tender of
amount.

Notice to
tenants.

Proviso.
Tender of
money within
one year.

2d proviso.
Of after dama-
ges.

3d proviso.
Amicable
agreements
authorized.

Preamble to
10th section.

General grant
of power to
comply with
will of testa-
tor.

tion of any and all the devises and bequests, trusts and provisions contained in the said will, which are the subjects of the preceding parts of this act, and to enable the constituted authorities of the city of Philadelphia to carry which into effect, the said Stephen Girard has desired the legislature to enact the necessary laws.

Relative to
roads, &c.
through col-
lege property.

SECT. 11. *And be it further enacted by the authority aforesaid,* That no road or street shall be laid out, or passed through the land in the county of Philadelphia, bequeathed by the late Stephen Girard for the erection of a college, unless the same shall be recommended by the Trustees or Directors of said college, and approved of by a majority of the select and common councils of the city of Philadelphia.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 94.

AN ACT

For the relief of Conrad Smith and Robert Wright, soldiers of the revolutionary war.

\$40 grat. and
ann. to C.
Smith.

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 State Treasurer be and he is hereby authorized and required to pay to Conrad Smith, of Franklin county, a soldier of the revolution, or to his order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-two.

\$40 grat. to
R. Wright.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorized and required to pay to Robert Wright of Cumberland