

No. 147:

## A SUPPLEMENT

To an act entitled "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Delaware and Schuylkill, through the southern section of Philadelphia county," passed the thirtieth of March, eighteen hundred and twenty-nine, extending the time for completing said canal, and for other purposes.

*SECTION 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 time for completing the canal or lock navigation, between the rivers Delaware and Schuylkill, through the southern section of the county of Philadelphia, as is designated in the first section of the act of the sixth of April, eighteen hundred and thirty, entitled "An act to enable the governor of this commonwealth to incorporate a company for opening a canal or lock navigation, between the rivers Delaware and Schuylkill, through the southern section of the county of Philadelphia," be and the same is hereby extended for five years, from the passage of this act.*

*Time of completion extended five years*

*John Lindsay, and others, commissioners to survey and regulate ascents and descents of all the water courses between Schuylkill and Delaware rivers, &c.*

*SECTION 2. That John Lindsay, Thomas M'Cully, Francis Lyons, and Daniel Lafferty, be and they are hereby appointed commissioners, for the purposes in this act contained; and they, or any three of them, shall have full power and authority to do and perform all and every the matters and things herein mentioned and contained, by the commissioners to be performed; and that in the case of the death, resignation, or inability of any or either of the said commissioners, it shall and may be lawful for the remaining commissioner to supply his or their places, from time to time, until the end of this act shall be fully answered, which person or persons, so to be appointed, shall have the same powers, as if he or they were named in this act.*

*To be sworn before entering upon duties*

*SECTION 3. The said commissioners, before they take upon themselves the duty required by this act, shall take, and subscribe, before one of the judges of the court of quarter sessions for the county of Philadelphia, an oath or affirmation, that they will well and faithfully execute the duties required by this act, according to the best of their judgment and ability, without favor or partiality.*

**SECTION 4.** The said commissioners, or any three of them, so qualified as aforesaid, shall have full power and authority to survey and regulate the ascents and descents of all the water-courses now laid out, or that may be necessary to lay out, between the Schuylkill and Delaware rivers, north of the Delaware and Schuylkill canal, and south of Cedar street, and to ascertain and fix the location of such culverts as may be necessary, to drain the water from off said district, in the most direct manner that the nature of the ground will admit, having regard, however, to the regulations already made; a correct copy of which survey, with the heights and descents of the water courses carefully marked thereon, together with the routes of the culverts so by them to be laid out, under their hands, shall be by them deposited in the office of the clerk of the court of quarter sessions of Philadelphia county, and the judges of said court are hereby authorized and empowered to examine the same and after hearing the objections of any land holders who may think themselves aggrieved, shall judge and determine as to the said survey, and shall judge and determine as to the said heights, and descents, and courses of the culverts, and shall direct that the said plan or survey, together with their adjudication thereupon, to be recorded in the office of the clerk of the said court, and from thence forward all the said heights and descents of the water courses and routes of the said culverts, shall be forever thereafter deemed and adjudged, and taken as the permanent regulations for the said district of Southwark, and townships of Moyamensing and Passyunk.

Power and authority of commissioners  
Ascents and descents

Location of culverts

Copy of survey to be filed

Judges of court to examine survey and hear objections

Adjudication to be recorded

**SECTION 5.** The said commissioners shall be allowed the sum of two dollars for each and every day they shall be employed in the performance of the duties by this act required, and they are also authorized and empowered to employ a competent engineer to assist them in managing their proceedings in the business aforesaid, and likewise be allowed all reasonable costs and charges in procuring the surveys and drafts herein before directed, all of which shall be paid by the commissioners of Philadelphia county, out of the county funds.

Pay of commissioners

Engineer

**SECTION 6.** That the county auditors of Northampton county, be and they are hereby authorized and required to audit and settle the accounts of the commissioners appointed to improve the navigation of the river Delaware, by the act of the 6th of April eighteen hundred and thirty-three, entitled a supplement to an act for the improvement of the state, approved the twenty-sixth day of March, A. D. eighteen hundred and twenty-one. And if any balance shall be found in their hands, the same shall be paid over to Adam Keller and William Overfield, to be expended by them, in improving the state road from Easton to Milford, between Dutott-

Auditors of Northampton county to settle accounts of commissioners to improve the river Delaware  
If balance found, to whom paid, and how applied

burg and the borough of Easton, one third to be expended in the Delaware Water Gap.

**SECTION 7.** That the surveyors or regulators appointed under the provisions of the act of the twenty-fourth of February, seventeen hundred and twenty-one, (and of the several supplements thereto) entitled an act for regulating party walls, buildings, and partition fences in the city of Philadelphia, and the district of the Northern Liberties, be and the same are hereby authorized to enter upon the premises or lands of any person or persons in the said city, or district to determine upon the sufficiency of any party wall, or walls, for the purpose of which any store, or dwelling, erecting, or to be erected, is designed and to determine and direct the builder or builders thereof, to remove any such insufficient party wall or walls, and to regulate and determine the breadth and thickness of any such wall, to be erected between party and party, according to the provisions of the second section of the said act, but at the proper charge of the applicant therefor, and under, and subject to the provisions of the said act and the several supplements thereto.

Powers given to surveyors and regulators of party wall, buildings, &c. in the city of Philadelphia and Northern Liberties  
To enter upon premises  
Determine sufficiency of party walls  
To remove insufficient party walls

Superintendents of Market houses in Northern Liberties authorized to prepare said buildings for work-shops, on certain conditions

**SECTION 8.** That it shall be lawful for the superintendents of the market houses in the district of the Northern Liberties, commonly called the Callowhill markets, located adjoining Callowhill, between Second and Front streets, to fit up, and prepare any portion of the said houses they may deem proper, for carrying on any trade, business, or occupation, and let the same for said purposes, until the money subscribed and loaned for the erection and alteration of said houses shall be fully paid. *Provided nevertheless, That such business, trade or occupation, shall not in any wise be offensive to, or incommode the owners of the adjacent property, or the residents thereon.*

Streets in rear of market houses to be cleansed, &c.

**SECTION 9.** That the twenty feet streets in the rear of said market houses shall be cleansed and otherwise kept in order, in the same manner as by the ordinances of the incorporated district of the Northern Liberties, the public streets and highways in said district are cleansed and kept in order.

Commissioners of Philadelphia county authorized to employ surveyors to survey said county, &c.

**SECTION 10.** That the commissioners of the county of Philadelphia, be and they are hereby authorized and required to contract with one or more competent surveyor, or surveyors, whose duty it shall be to select such assistants as he or they shall find necessary, and proceed with all practicable despatch to make a complete survey of such parts of the said county as are not included in the city of Philadelphia or in any of the incorporated districts of the said county, in such manner, and on such terms as shall be agreed upon between the said commissioners and surveyor or surveyors, and shall make out a correct map, or plan of the said survey, with all

Map to be made

necessary explanations, for a proper understanding of the same, which map shall be the property of the said county. Authority to And the commissioners are further authorized to contract for publish publishing a map of the county, including the city and incorporated districts, on such terms as they shall deem most expedient.

WM. HOPKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. PENROSE,  
*Speaker of the Senate.*

APPROVED—This twenty-first of June, A. D., eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 148.

## AN ACT

To provide for the election of Mayor, of the city of Philadelphia, by the qualified electors thereof, to confer jurisdiction on the Mayor and Recorder of said city, in actions for penalties; to appoint an additional Warden for the district of Kensington; to widen Locust street, in the city of Philadelphia, and for other purposes.

SECTION 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 electors of the city of Philadelphia, qualified to vote for members of council, shall, at the general election, on the second Tuesday of October next, and on the same day, annually thereafter, vote for, and elect <sup>Mayor to be elected</sup> one person, who shall be at least twenty-five years of age, and have resided at least four years next preceding said election, within this commonwealth, and the last two years thereof in said city, to serve as mayor of said city, for the term of one year, commencing with the Tuesday next succeeding <sup>To serve one year</sup> such general election; and the officers and clerks of such general election, shall perform the said duties, and be liable to the same penalties, in relation to said election for mayor, as are now, or hereafter may be provided by law in cases of elections for members of council.