

No. 307.

AN ACT

Supplementary to an act, entitled "An Act to incorporate the borough of West Philadelphia," approved the seventeenth day of February, one thousand eight hundred and forty-four; and relative to party walls, and to authorize the Kensington gas company to increase their capital.

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 town council of the borough of West Philadelphia shall have power to elect, annually, one or more surveyors and regulators for said borough, at such times as they shall determine; and each and every surveyor so appointed, before entering upon the duties of said office, shall take and subscribe an oath or affirmation that he will, to the best of his abilities, justly and impartially execute the duty of a surveyor for the borough, agreeably to the laws of this commonwealth and the ordinances and resolutions of the town council, that are or may be passed relating to the same, which oath or affirmation shall be filed in the office of the clerk of said borough, and he shall continue in office one year, or until a successor or successors shall be elected.

Surveyors and regulators.

To take and subscribe an oath.

SECTION 2. *That no person or persons shall hereafter lay or build* any foundation or party wall, or wall adjoining any street, lane or alley within the said borough, before they shall have applied to the surveyor or regulator appointed as above; and the said surveyor or regulators, upon application to them made, shall have full power and authority to enter upon the land of any person or persons, in order to lay out and set the foundation, and regulate the walls to be built between party and party as to the breadth or thickness thereof; which foundation shall be laid equally upon the lands of the persons between whom such party walls are to be made, and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder may have occasion to make use of, before such next builder shall make use or break into the said wall; the charge or value whereof, if not agreed to by the parties, or by the arbitrators mutually chosen by them, shall be fixed and assessed by the said regulator or regulators, whose decision shall be final and binding upon the parties, unless an appeal is taken and made to the next court of common pleas of Philadelphia county, within ten days from the making and recording of the decision by the regulator, to be proceeded in according to the course of common law.

Application for building party walls to be made to the surveyor or regulator.

Power of surveyor and regulator.

SECTION 3. *That the said surveyor or surveyors, or a majority of them, where parties cannot agree, shall have full power to regulate party lines and partition fences within said borough, and between enclosed lots, they shall value and determine the equal cost to each party: Provided, The valuation to either shall not exceed one dollar for each ten feet of fence; and the party making or repairing the same may, on demand, recover on such award or decision with half the surveyor's charge, which, in default of payment, may be sued for and recovered as debts of like amount are recovered by law; and such compensation shall be paid, by the party requiring service to be performed, to the*

Regulate party lines, &c.

Proviso.

surveyor and regulator as is usual in such cases, or such as shall be fixed by the town council of said borough.

Penalty for laying foundation or erecting building, &c., before lines adjusted by surveyor.

Proviso.

Proviso.

SECTION 4. That if any person or persons shall lay any foundation wall, or erect any building or fence adjoining or upon the line of any street, lane or alley within the said borough, before the lines or boundaries of the lot or piece of land whereon the same is laid or built, erected or begun, shall be adjusted and marked out by the said surveyor and regulator, every such person, as well employer as master builder, shall forfeit the sum of twenty dollars; and the said surveyor and regulator shall keep a suitable and proper public record of all surveys made by him, with descriptive plans of the same, as well as all decisions and awards made under this act; and in default thereof he shall forfeit a like penalty as above, one-half of said penalty shall be for the use of the borough, and the other half to the informer, to be recovered with costs as sums of like amount are recovered by law: *Provided*, That any house or building now erected or begun shall not be affected by this act: *And provided also*, That no person under age, non compos mentis, feme covert, imprisoned, or beyond the sea, or who shall not have notice as aforesaid, shall be injured or affected by any proceeding, order, direction or award, until the expiration of one year after coming of full age, returning from beyond the sea, discovered, being at large or of sound mind, nor until the expiration of said one year after notice in writing, within which period his, her or their appeal may be entered and prosecuted as aforesaid; and the surveyor and regulator shall also have full power to survey, determine and permanently mark, under and subject to the rules and ordinances which are or may be enacted by the town council of said borough, the lines of all public streets, lanes or alleys of said borough, and prepare such plan or plans thereof as said council may direct, conforming to the original recorded plan of Hamilton and Creenville, or as near thereto as possible.

Construction of corporate powers of said borough.

In the event of the West Philadelphia canal company abandoning their canal, may be filled up by the authorities of West Philadelphia.

By-laws of any city, borough, town or corporate body, for breach of, suits may be brought for fine before any justice of the peace, &c. Borough of West Philadelphia entitled to a representative in board of health.

Powers of.

SECTION 5. That the corporate powers of said borough of West Philadelphia shall be so construed as to restrict or prevent horses, cattle, swine, dogs and all animals from running at large within the limits of the same, under and subject to the ordinances, resolutions and rules of the town council of said borough.

SECTION 6. That in the event of the West Philadelphia canal company abandoning their canal, it shall be lawful for the authorities of the borough of West Philadelphia to fill up so much of said canal, as shall be necessary to secure and make convenient the communication between the city and county, by means of Market street continued, and the Permanent bridge.

SECTION 7. In all cases of the breach of any by-laws of any city, borough, town or corporate body within this commonwealth, subjecting the offender to a penalty or fine therefor, that suits for the recovery thereof may be maintained before any justice of the peace or alderman, in like manner as suits for the recovery of debts under the sum of one hundred dollars may now be maintained before them: *Provided*, The parties shall have the right to appeal as in other cases.

SECTION 8. That the borough of West Philadelphia shall hereafter be entitled to a representative in the board of health, for the city and county of Philadelphia, who shall have the same powers and rights of all other members of said board; and the said representative shall be annually elected by the burgess and town council of said borough, on the same day and in the same manner that is provided by law for such election in the other incorporated districts of the city and county of Philadelphia; and the power and authority of the said board of health, be and the same is hereby extended to the said borough of West Philadel-

phia, as fully and effectually as it now is in the said city and incorporated districts.

SECTION 9. That in every case where a party wall or walls shall be removed, but at the proper charge of the person or persons upon whose application said party wall may have been condemned; and upon his or her failure to remove the same within said time, and upon the representation thereof, upon oath or affirmation, to the court of common pleas for the city and county of Philadelphia, the said court shall grant a rule to shew cause why a writ should not be directed to the sheriff of said county, returnable to the first Monday of the next month after the issuing of such writ, commanding him, at the proper charge of such applicant or applicants, forthwith to remove said party wall or walls, or cause the same to be removed, and upon the return of said rule, if no sufficient cause be shown to the contrary, it shall be the duty of the said court forthwith to direct said writ to issue.

Proceeding in the case where party walls are condemned, &c., after thirty days notice given.
Court may grant rule to shew cause why writ should not issue, &c.

SECTION 10. That the Kensington gas company shall be and they are hereby authorized to increase their capital to the sum of fifty thousand dollars, and to sell, issue or otherwise to dispose of such an additional number of shares of stock as may be necessary to effect such increase, in such manner, and at such times and places as may be ordered by the directors of said company.

Kensington gas company to increase their capital stock.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 308.

AN ACT

Authorizing the governor to incorporate a company to erect a bridge over the Monongahela river, at the ferry of Jeremiah Davidson.

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 William Searight, Daniel Kaine, Ebenezer Finley, Johnston Vankirk, Commissioners. George E. Hogg, Alexander Gibson, Clark Breadding, James B. Davidson, James Ewing, John Philan, Amos Marton, Elihu Crain, Thomas