

1762. or share thereof, in such lottery, or other device, so offered or sold, bartered or exchanged, the sum of five pounds, one moiety thereof to him, her or them, who shall prosecute the offender or offenders, and the other moiety to the Overseers of the poor of the city, town or place, where the offence shall be committed, for the use of the poor thereof, to be recovered as fines, penalties or forfeitures for misdemeanors. are recoverable in such courts.

## CHAPTER CCCCLXXXI.

*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.*

**WHEREAS** there is a certain tract of land adjoining to and bounded by the southernmost bounds of the city of Philadelphia, beginning at South-street, in the said city, and running thence along the several courses of the road commonly called the Passyunk road, including the same, two hundred and ninety-six perches to a corner; thence south forty-five degrees east, to a road called the Moyamensing road; thence along a lane, known by the name of Keeler's Lane, to Greenwich road; thence east to the river Delaware; thence up the several courses of the said river to South-street; and thence along the south side of the said street to the place of beginning; on which said tract of land the owners and possessors thereof have built and erected, at a very great expense, a large number of houses, messuages, wharffs, stores, and other buildings, and have continued, by agreements among themselves made, the several streets of the said city, running north and south, through part of the said improved ground, and have also opened, in the same manner, cross streets, running westward from the said river towards the river Schuylkill, with many convenient roads, lanes, and alleys, leading to and from the said streets; but as the said roads, streets, lanes, and alleys, are not laid out and confirmed by any legal authority, ill-disposed persons have frequently committed nuisances therein, to the great annoyance, impediment, and disturbance of the inhabitants passing through them, on their lawful occasions: For remedy whereof, *Be it enacted*, That the said tract of land, before described, shall be henceforth called **The District of Southwark**, and is hereby declared to be allotted and divided off into one district; and that all and every of the streets, lanes, alleys and roads, laid out by agreement as aforesaid, shall be, and are hereby declared to be, public streets, roads, alleys and lanes, for ever, to all intents and purposes, as if the same had been public roads and highways laid out according to law, by order of the Governor and Council, or by order of any Court of Quarter Sessions in this province; and that all and every nuisance or nuisances committed in them, or any of them, shall and may be heard, tried and determined, in the County Court of Quarter Sessions in and for the county of Philadelphia, in the same and as full and ample a manner, as any nuisance com-

Name of the district.

mitted in any public highway in the said county may and ought to be heard, tried and determined. 1762.

II. And in order that the said streets, alleys, lanes and roads, and such others as shall be hereafter laid out, may be duly regulated, made, opened, amended and repaired, *Be it enacted*, That it shall and may be lawful for the freeholders and others within the said district, qualified by law to elect Members of Assembly, to meet together on the third Saturday in the month of April, in every year, and, between the hours of ten in the forenoon and four in the afternoon, choose, by tickets in writing, three Surveyors or Regulators of the said streets, lanes and alleys; who, upon application made to them, shall have full power and authority to regulate and lay out the proper gutters, channels and conduits, for the carrying off the waters in the said district, and to enter upon the lands of any person or persons, in order to set out the foundation, and to regulate the walls to be built between party and party within the said district, as to the breadth and thickness thereof; which foundation shall be equally laid upon the lands of the persons between whom such party wall is 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 shall have occasion to make use of, before he shall in any ways use or break into the said wall; and that the charge or value thereof shall be set by the said Regulators, or any two of them. (f)

Freeholders to meet, and choose regulators of the streets, &c.

III. *And be it further enacted*, That if any person or persons shall begin or lay the foundation of any party wall, before the same be viewed and directed by the said Regulators, or some two of them, every such person, as well employer as master builder, shall forfeit the sum of five pounds, to be paid to the Overseers of the poor in said district, for the use of the poor thereof, being of the said offence first convicted in the County Court of Quarter Sessions of the county of Philadelphia aforesaid: *Provided always, and be it further enacted*, That if either party, between whom such foundation or party wall is to be made, shall find themselves any ways aggrieved by any order or direction of the said Regulators, he or they may appeal to the Justices, at the next Court of Quarter Sessions to be held for the said county, who shall finally adjust and settle the same; the costs of which appeal shall be paid as the said Court shall direct and appoint.

Penalty on laying the foundation of a party wall, before viewed by the Regulators, &c.

IV. *And be it further enacted*, That the said Regulators or Surveyors attending the said service, for their trouble, shall be paid, by the party or parties concerned in erecting such party wall, the sum of six shillings each, and no more.

Regulators reward.

V. And for the preventing of accidents that may happen by fire in the said district, *Be it enacted*, That if any person or persons, within the said district, shall set on fire his or their chimney or chimnies, to cleanse them, or shall suffer the same to be done, or that shall suffer any of them to blaze out at the top, and be thereof le-

Penalty on firing chimnies.

(f) The reimbursement of the cost of the moiety of a party wall is only a personal charge against the builder of the second house, and not a lien upon the house itself. 1 Dallas, 345. (Note to former edition.)

1762.

gally convicted before any Justice of the Peace of the county of Philadelphia, such person or persons shall forfeit and pay the sum of twenty shillings to the Overseers of the poor of the said district, for the use of the poor thereof.

No sickly vessel to come nearer than one mile to said district without licence. [See the laws establishing the Health Office.]

VI. *And be it further enacted,* That from and after the publication of this act, no unhealthy or sickly vessel shall come nearer than one mile to the southern bounds of the said district, without bills of health, nor shall presume to bring to shore such vessels, nor to land their passengers or their goods, at any part of the said district, until they shall obtain a licence for their landing from the Governor for the time being, and his Council, or from any two Justices of the Peace for the county of Philadelphia, under the penalty of ten pounds for every passenger so landed, and one hundred pounds for every vessel so brought within a mile of the bounds aforesaid, to be paid by the commander, merchants or owners of the said vessel offending in the premises, being first legally convicted thereof in the County Court of Quarter Sessions for the county of Philadelphia; one half thereof, to be paid to the Governor, for the support of government, the other half to the Overseers of the poor of the said district for the time being, for the use of the poor thereof.

Penalty on persons stopping any of the streets, &c.

VII. *And be it enacted,* That if any person or persons shall presume to stop any of the said streets, lanes, alleys or public roads, heretofore laid out, or hereafter laid out and confirmed as aforesaid, or shall commit any nuisance therein, and shall not remove the same forthwith, every such person or persons so offending, being thereof legally convicted in the said Court, shall forfeit and pay the sum of three pounds to the Supervisors of the streets and highways aforesaid, to be laid out in repairing the same.

Freeholders to meet, and choose Assessors and Supervisors.

VIII. *And be it further enacted,* That the said freeholders and others, qualified as aforesaid, shall, on the same day whereon they are herein before directed to choose Surveyors and Regulators of the streets, lanes and alleys aforesaid, choose, in the same manner three Assessors, and three Supervisors of the public highways within the said district; which said Assessors and Supervisors, when chosen, and returned in writing, under the hands of any two freeholders of the said district, into the office of the clerk of the County Court of Quarter Sessions aforesaid, shall be the Assessors of the said district, and the Supervisors of the streets, lanes, alleys, roads and highways thereof, for the ensuing year; and if any Supervisor, so elected, or otherwise appointed by virtue of this act, shall refuse to take upon himself the said office, for every such offence he shall forfeit and pay the sum of ten pounds, to be applied towards amending and repairing the said streets, lanes, alleys and highways.

Penalty on Supervisors refusing to serve.

IX. *And be it further enacted,* That the Overseers of the roads in the said township the first year, and the Supervisors of the streets, lanes, alleys and highways of the said district, for ever afterwards, shall, at least five days before the third Saturday in April, yearly and every year, give public notice in writing, by affixing the same in the most public places in the said district, of the place where the inhabitants and freeholders of the said district shall meet to elect Supervisors for the said district, according to the directions of this act; which place, so appointed for the said election, shall be as near the centre of the said district as conveniently may be.

Notice to be given of the election of Supervisors.

X. *And be it further enacted*, That it shall and may be lawful 1762. for the said Supervisors of the public streets and highways, together with the Assessors of the said district for the time being, to make or lay a rate or assessment, not exceeding three pence in the pound, clear value of the real and personal estates of all and every the freeholders and inhabitants within the said district, to be employed for the amending and repairing the streets, lanes, alleys and highways, within the said district, in such manner as by this act is directed and appointed; *Provided nevertheless*, That the said rate or assessment shall be laid according to the best of their skill and judgment, and as near as may be to the county assessment for other purposes, laid in pursuance of the act, entitled *An Act for laying county rates and levies*, having due regard to every man's estate within the said district, without favour or affection to any person whomsoever.

Supervisors and Assessors to lay a tax.

XI. *And be it further enacted*, That if any Supervisor or Supervisors of the public streets and highways, so as aforesaid chosen, shall refuse or neglect to take upon him or themselves the said office, or shall die, or remove out of the said district, for which he or they shall be chosen, or if the freeholders and inhabitants of the district aforesaid shall neglect or refuse to elect or choose Supervisors, as is herein before directed and appointed, then, and in every such case, it shall and may be lawful to and for the Justices of the County Court of Quarter Sessions of the county of Philadelphia, and they are hereby enjoined and required, to appoint another Supervisor or Supervisors, in the room and stead of every such Supervisor or Supervisors so refusing, dying, or removing as aforesaid, or so neglected to be chosen as aforesaid; which said Supervisor or Supervisors, so appointed, shall have the same powers and authorities, and shall be liable to the same penalties, as the Supervisors so appointed and chosen by the said district, in pursuance of the directions of this act; and that each Supervisor shall have and receive, for his trouble in collecting the several sums of money to be raised as aforesaid, six pence in every pound by him collected, and five shillings *per diem* for each day he shall attend in overseeing, employing and attending the workmen upon the public streets and highways within the said district.

Supervisors dying, refusing or neglecting to serve, others to be appointed by the Justices of the Court of Quarter Sessions, &c.

XII. *And be it further enacted*, That the said Supervisors, before they proceed to the collecting of the said rate, shall procure the same to be allowed by at least two Justices of the Peace of the said county of Philadelphia; and if any person or persons, so rated or assessed, shall refuse to pay the sum or sums on him or them charged, and shall not enter his or their appeal at the next General Court of Quarter Sessions aforesaid, that then it shall and may be lawful to and for the said Supervisor or Supervisors (having first obtained a warrant under the hand and seal of one Justice of the Peace of the said county, who is hereby empowered and required to grant such warrant) to levy the same on the goods and chattels of the person or persons so refusing; and in case such person shall not, within three days next after such distress made, pay the sum or sums on him or her assessed, together with the charges of such distress, that then the Supervisors, or either of them, may proceed to the sale of the goods distrained, rendering to the owner the

The tax before collected, to be allowed, at least by two Justices of the Peace of the county, &c.

1762. overplus, if any, that shall remain on such sale, reasonable charges being first deducted: *Provided nevertheless*, That if any person or persons shall find him, her or themselves, aggrieved with such rate or assessment, it shall be lawful for the Justices of the Peace aforesaid, at their next General Quarter Sessions, upon the petition of the party, to take such order therein, as to them shall be thought expedient, and the same shall conclude and bind all parties; and the Supervisor and Supervisors, in case of such appeal, shall forbear making distress, until the same be determined in the Quarter Sessions, in the manner herein before directed and appointed.

Supervisors  
to repair the  
streets, &c.

XIII. *And be it further enacted*, That the said Supervisors of the public streets and highways of the said district shall, and they are hereby enjoined and required, as often as the said several streets, lanes, alleys and highways, within the said district, shall be out of repair, to hire and employ a sufficient number of labourers to work upon, open, amend, clear and repair the same in the most effectual manner, and purchase wood, and all other materials necessary for that purpose, and to overlook the said labourers, and see that the said streets, lanes, alleys, roads and highways, be effectually opened, cleared, amended and repaired, according to the true intent and meaning of this act.

Penalty on  
persons,  
working on  
the high-  
ways, asking  
or extorting  
money from  
travellers.

XIV. *And be it further enacted*, That if any person, working on the highways within the said district, or being with them, shall ask any money, drink, or any other reward whatsoever, or shall, by any contrivance, ways or means whatsoever, extort any money or other thing of or from any person passing or travelling upon the said public roads or highways, he or she shall, for every such offence, pay to the Supervisor or Supervisors of the said district the sum of three shillings, to be recovered by the said Supervisors, respectively in a summary way, before any Justice of the Peace, and applied for and towards repairing the said roads; and in case any Supervisor shall connive at any person's asking and demanding any reward from any traveller as aforesaid, every such Supervisor shall forfeit and pay for each offence the sum of twenty shillings, to be recovered by any person whatsoever in manner aforesaid; one half to the use of the prosecutor, and the other half to and for the service of the said roads.

Penalty on  
Supervisors  
neglect of  
duty.

XV. *And be it further enacted*, That all and every Supervisor or Supervisors of the public roads and highways within the said district, who shall be convicted of having refused or neglected to do and perform his or their duty, as directed by this act, not otherwise particularly provided for, shall be fined, and shall pay the sum of five pounds for every such offence, to be applied towards repairing the public roads and highways within the said district.

Justices to  
examine and  
settle super-  
visors ac-  
counts,

XVI. *And be it further enacted*, That the Justices of the Peace of the county of Philadelphia, or any three of them, shall and may, at the time and times when new Supervisors of the highways, within the said district, are to be appointed, annually examine and settle the accounts of the said Supervisors going out of their office, and shall have full power to allow such accounts and sums only, as to them shall seem just and reasonable, and to order the then last Supervisors to pay the balances, together with the fines and penalties on themselves respectively, and others which have come into their

hands, or been imposed by virtue of this act, to the Supervisors for the ensuing year; and in case the said Supervisors, on their going out of their respective offices, shall be found to be in advance for monies expended upon the public roads and highways within the said district as aforesaid, then the said Justices may order the succeeding Supervisors to repay and reimburse the former Supervisors, as soon as a sufficient sum of money shall have come into their hands; and in case of disobedience to any such of their orders, the said Justices may and shall, from time to time, grant attachments to compel obedience to the same. 1762.

**XVII.** *And be it further enacted,* That two Overseers of the poor, one Assessor, to join in assessments to be hereafter made towards sinking the sums of money heretofore granted to the King's use, and one inspector, to be returned, and if chosen, to serve at the general election in and for the county of Philadelphia, shall be nominated and elected in and for the said district, in the same manner as they are directed by law to be appointed and chosen in and for the several townships within this province; which said Overseers so nominated, and Assessors and Inspectors so elected, shall have, use and exercise all and every the powers, rights and privileges, and be subject to the same penalties and forfeitures, within their said district respectively, which are lawfully had, used and exercised by the several Overseers, Assessors and Inspectors of the several townships aforesaid, to all intents and purposes, as if they were respectively nominated and chosen Overseers of the poor, Assessors and Inspectors of any of the townships aforesaid, in pursuance of the laws of this province in such cases made and provided. Two Overseers, one Assessor, and one Inspector, to be nominated, for said district.

**XVIII.** *And be it enacted,* That nothing in a certain act of assembly, passed in the present year of his Majesty's reign, entitled *An act for opening and better amending, and keeping in repair, the public roads and highways within this province,\** shall be deemed, construed or taken to extend to the public roads, streets, lanes or alleys, within the said district, nor to the levying or assessing the inhabitants thereof, for the purposes therein mentioned, nor to any other matter or thing to be done and performed within the same; but the said act, so far as it relates to or respects the said district, and no further, is hereby declared to be repealed, null and void, to all intents and purposes. \*[Chap. 479, now expired.]

Passed 26th March, 1762.—Recorded A. vol. IV. page 310. (g)

(g) A great part of the act in the text is repealed and supplied, as will be seen by the following summary. But from the importance of the district and its extensive population, though the act contains many provisions merely local, it is thought necessary to retain the whole of it.

April 15th, 1782, (chap. 970,) an act passed to vest certain lots of ground in the District of Southwark, in trustees for the use of a public landing, upon certain conditions, &c.

September 20th, 1782, (chap. 980,) commissioners were appointed to pur-

chase public landings in the District of Southwark, and to raise a fund to pay the purchase money thereof.

September 29th, 1787, (chap. 1310,) commissioners were appointed to regulate the streets, lanes and alleys, in the District of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants, and to lay out the roads therein mentioned through the said District, and part of the township of Moyamensing and Passyunk.

By a supplement to the act in the text, passed October 4th, 1788, (chap.

1762.

1365,) wells and pumps are to be established and kept in repair—Penalty for exacting a recompense for water drawn from such pumps—Proceedings in case private pumps are allowed to be out of repair—Punishment for wilfully injuring the pumps—The streets, &c. how to be regulated—How owners of grounds through which sewers shall pass, shall be compensated—The streets to be pitched and paved—owners may pave and pitch the front of their lots—Proceedings directed in case of minors or absentees—Penalty on obstructing any water course or common sewer—Taxes how to be assessed—and limited—Regulators and Supervisors, how to be elected—Qualifications of the Supervisors—Pay of Supervisors and Regulators—Supervisors' accounts, how to be settled—The District to be lighted and watched, &c.—And all parts of the act in the text thereby altered, are repealed.

The District, as described in the text, is incorporated by act of April 18th, 1794, (chap. 1731,) and a supple-

ment, directing the mode of recovering fines imposed by the commissioners, was passed, March 27th, 1795, (chap. 1803.)

The expenses of opening certain roads in the District, how to be defrayed—Act of March 28th, 1796, (chap. 1879.)

A Notary Public to be appointed in the District of Southwark, (chap. 1998.)

An act for the appointment and regulation of Constables in the District of Southwark, was passed March 7th, 1799, (chap. 2013.)

Ordinances of the corporation to be enrolled in the Recorder's office of the county, March 3d, 1800, (chap. 2106.)

Corporation authorized to regulate Sunday markets, March 25th, 1805, (chap. 2568.)

The width of Wharf-street extended, and the wharves within the District, how to be regulated. See the act of April 7th, 1807, (chap. 2826.)

See the titles, *Southwark—Poor-Inspectors*—and *Election Districts*, in the index to this edition.

## CHAPTER CCCCLXXXII.

*An ACT to enable the Trustees of the State-House to purchase certain lots of ground, the remainder of the square whereon the said house now stands. (h)*

**WHEREAS**, in and by an act of Assembly of this province, passed in the first year of his present Majesty's reign, entitled, *An act for appointing certain persons, therein after named, to apply for and receive the distributive shares and proportions which are or shall be allotted to this province, out of the sum and sums of money granted, or to be granted, by Parliament to his Majesty's colonies in America*, it was enacted and provided, that certain sums of money, in the said act mentioned, should be paid and discharged out of the bills of exchange, directed to be drawn by the Trustees of the General Loan-Office by the said act, on John Sargent, George Aufrere, David Barclay, junior, and John Barclay, merchants, in London; and that the said Trustees should, towards sinking the sum and sums of money thenceforth granted to his Majesty's use, and in abatement of the taxes directed to be laid for that purpose, pay and deliver all the remaining part of the money that should arise by the sale of such draughts or bills of exchange, as they, the said trustees, were directed to draw by virtue of the said act, into the hands of the committees of Assembly, who should be yearly appointed to settle the public accounts, in bills of credit of this province, which bills of credit the said committees were thereby enjoined and required to burn, sink and destroy: And whereas, in and by another act of Assembly, passed this present sitting, entitled, *An act for granting to his Majesty the sum of twenty-three thousand five hundred pounds,*

(h) For other acts respecting the State-House, &c. see ante. chap. 477, pa. 242, and the acts there referred to. (Note to former edition.)