

CHAPTER MCCCLXXVI.

A SUPPLEMENT TO AN ACT OF GENERAL ASSEMBLY ENTITLED "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.¹

(Section I, P. L.) Whereas the district of Southwark is become populous and in many places closely built and requires some regulations. And in the act to which this is a supplement no provision is made for the erecting of public pumps to supply the inhabitants with water and secure them against the ravages of fire nor for regulating the descent of water courses or common sewers, all which are essentially necessary in cities and close built towns and whereas the pitching and paving the streets, lanes and alleys of the said district will greatly tend to the improvement thereof and the lighting and watching the same by night will be a great convenience and security against fires and robberies as soon as the said district shall be enabled to support the expense thereof:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the supervisors of the streets, highways and landings, elected or to be elected in pursuance of the act for that purpose made and provided or a majority of them, by and with the consent of one or more of the justices of the peace for the said district or for such district for election of justices of the peace whereof the district of Southwark shall constitute [a] part, and a majority of the regulators of the said district shall from time to time as occasion may require dig such and so many wells and therein fix

¹ Passed March 26, 1762, Chapter 481.

pumps in such convenient places within the streets, lanes and alleys of the said district as to them shall appear necessary so as to supply the inhabitants with water in the most equal manner and the said pumps shall be kept in good order at the charge of the said district forever.

And whereas the pumps already fixed in the streets, lanes and alleys of the said district are frequently so much neglected as to be out of repair and totally unfit for use:

[Section II.] (Section III, P. L.) Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the said supervisors or a majority of them to confer with any person or persons who shall have fixed any pump or pumps in any of the streets, lanes, or alleys in the said district, and if any of them who have so fixed any pump or pumps shall agree to keep them in good order and repair to the satisfaction of a majority of the supervisors, he, she or they shall be entitled to demand and receive yearly for each pump so kept in repair the sum of thirty shillings from the said supervisors out of the public money in their hands and if any person or persons whatsoever, shall demand, exact or receive any sum or sums of money or any other recompense from any person or persons for any water drawn out of any pump or pumps so erected or to be erected within the streets, lanes, or alleys of the said district or shall in anywise molest or hinder any person or persons from drawing water therefrom, he, she or they being legally convicted thereof on the testimony of one or more credible witnesses before any justice of the peace for the said district or for such district for election of justices of the peace, whereof the district of Southwark shall constitute a part, shall forfeit and pay for the first offense the sum of five shillings, and for every subsequent offense ten shillings; the said money accruing by such fines and forfeitures to be applied for the purpose of carrying this act into execution. And if any pump or pumps erected, or to be erected by any private persons within the streets, lanes and alleys of the said district shall be out of repair for the space of two months successively, the same being proved by two reputable freeholders, to the satisfaction of

any justice of the peace for the said district or for such district for election of justices of the peace whereof the district of Southwark shall constitute a part the said justice shall issue an order, under his hand and seal directing the supervisors aforesaid to have such pump or pumps put in[to] good order and repair and so kept at the public charge forever.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons from and after the passing of this act shall wilfully or maliciously break or carry away the handle, pin or spear of any of the pumps within the said district or otherwise damage or injure any of the said pumps and shall thereof be legally convicted before any justice of the peace for the city and county of Philadelphia, he, she or they shall forfeit and pay to the said supervisors to be applied for the purpose of carrying this act into execution the sum of five pounds for every such offense on the first conviction and for every other such offense committed after the first conviction the sum of ten pounds, and it shall be lawful for the said justice to commit such offender to the common gaol of the said county until the said fines and the costs of prosecution be paid.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said supervisors or a majority of them for the time being and the said regulators or a majority of them, by and with the consent and approbation of one or more of the justices of the peace of the said district shall have full power and authority and they are hereby enjoined and required as soon as conveniently may be to regulate and direct the courses and degrees of descent and the distances from the sides of the streets, lanes and alleys of all and every the gutters, natural water courses and common sewers within the said district and to fix and ascertain the same so that the freeholders shall hereafter know with certainty how to erect their buildings and enclose their grounds in conformity thereto, and if it shall be necessary to carry any common sewer through the ground of any private person or body politic, the damages (if any) which shall or may accrue

to the owner or owners of such ground shall be ascertained by two indifferent persons mutually to be chosen by the said supervisors and the said owner or owners which persons not agreeing shall have power to choose a third person and the sum of money to be fixed by them or any two of them shall be paid to the owner or owners by the said supervisors in satisfaction of the said damages out of the public moneys in their hands and thereupon it shall be lawful for the said supervisors with all necessary workmen, tools, implements, carts, carriages, and horses to enter upon the said private grounds whenever and as often as it shall be necessary, to make, amend, cleanse and scour such water courses, and common sewers, doing nevertheless as little damage as possible to the adjoining grounds and always putting up and leaving all enclosures and improvements thereon in as good a state as they were at the time of their entry thereupon.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said supervisors shall, as soon as conveniently may be after the gutters and water courses in the streets, lanes, and alleys within the said district are regulated, cause the same to be pitched or paved with brick or stone, as the case may require and plant posts to defend the same from being injured by carriages and also have a footway paved four feet wide with brick or flat stone and keep an exact account of the costs and charges arising therefrom and demand and receive of and from each and every owner of the lots or grounds opposite to which such gutters or water-courses shall be so paved and posted the full amount of so much of the expense thereof as shall be proportionate to the number of feet front of ground held by such owner or owners respectively. Provided always nevertheless, That all and every owner and owners shall have the privilege of paving and pitching their own fronts as aforesaid, so that they have it completed within three months after notice given for that purpose by the supervisors or any two of them in writing under their hands. And in case any owner or owners shall neglect or refuse to pay such amount for one month after such footway and water

course shall be paved and posted opposite to his, her or their ground, it shall and may be lawful for the said supervisors to recover the same in the same manner and form as debts under forty shillings are by law recoverable.

And in case the grounds belong to minors or absent persons then the same shall be recovered against any person or persons having the care of such grounds belonging to said minor or absent owner and the receipts of the said supervisors for such money shall be good vouchers to all executors, administrators, guardians, trustees, or attorneys in fact against their principals.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously obstruct or stop up any public water-course or common sewer already made or to be made and established within the said district and shall be thereof legally convicted in any court of record having jurisdiction within the county of Philadelphia, he, she or they shall forfeit and pay for such offense any sum to be fixed and assessed by such court not less than ten nor exceeding fifty pounds and for a repetition of the offense after the first conviction any sum not less than twenty nor exceeding one hundred pounds, which sums shall go to the [said] supervisors for the purpose of carrying this act into execution.

And in order to defray the costs, charges and expenses of carrying this act into execution:

[Section VII.] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said supervisors and the assessors of the said district together with one or more of the justices of the peace to meet at some convenient place and lay and assess a tax on the inhabitants and landed estate within the said district in the same manner and at the same time with the road tax in the act to which this is a supplement. Provided nevertheless, That the tax to be laid by virtue of this act shall not exceed two shillings and sixpence on every hundred pounds, agreeably to

the county rates, without any exceptions in favor of mechanics, manufacturers or others.

And whereas inconveniences may arise from the elections for regulators and supervisors being held on the third Saturday in April and from a total change of them at any future election which may be prevented by an alteration in the time of election and continuing some of them for a longer time than one year:

[Section VIII.] (Section IX, P. L.) Be it therefore further enacted by the authority aforesaid, That from and after the passing of this act the election for choosing regulators and supervisors shall be held on the first Saturday in January annually and agreeably to the directions and restrictions contained in the act to which this is a supplement and that at the election to be held as aforesaid, the proper number of persons to fill both these offices shall be balloted for and he or they composing one equal third part of the number of officers for both these offices respectively, who shall have the greatest number of votes shall be the officers for three years thence next following and he or them composing another equal third part of the number of officers of both those offices respectively who shall have the next greatest number of votes shall be the officers for two years thence next following and he or they composing another equal third part of the number of officers for both these offices respectively who shall have the next or third greatest number of votes shall be the officers for one year thence next following; and that at the election which shall happen as aforesaid next after the said election now next coming, another number of persons sufficient to supply the places of those whose times shall expire by the directions aforesaid shall be chosen and continue in office for the term of three years, and so toties quoties in every year to supply the vacancies which shall arise. Provided always, That no person shall be excluded from the choice of the people on account of his having filled either of the said offices the preceding term of three years. And provided also, that [if] at the now next election two or more persons shall have an equal number of votes for the same office the term

for which each of them shall serve shall be determined by lots to be drawn by the inspectors and judges of the election immediately after casting up the votes.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That before the said supervisors shall take upon themselves the duties by this act enjoined and required, they and each of them shall take an oath or affirmation before one of the justices of the said district, or of such district for election of justices of the peace whereof the district of Southwark shall constitute a part, of the following tenor, to wit: that they will well and truly, to the best of their skill, knowledge and ability, discharge and fulfill the duties and services enjoined them by this act, that they will use their endeavors to collect the moneys arising as well by the taxes to be imposed by virtue of this act as by the fines therein mentioned, and will apply the same to the uses and purposes therein directed and to no other uses or purposes whatsoever.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said supervisors and regulators shall be allowed out of the moneys arising by virtue of this act the sum of six shillings each for each and every day they shall be employed in attending to the services enjoined by this act in full satisfaction for all their time, trouble and expenses.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That so soon as the services by this act enjoined are so performed that the tax hereby authorized to be levied and collected shall be no longer necessary for those purposes, it shall and may be lawful for the said supervisors to continue the said tax and to apply the moneys arising thereby to the pitching and paving the streets, lanes and alleys, the lighting and watching the said district or such parts thereof as shall most immediately require to be lighted and watched by night.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the district of Southwark or of such district for the election of justices of the peace whereof the district of Southwark shall be a part

or any one of them taking to their or his assistance two reputable freeholders of the said district, shall on or before the first Saturday in March in every year from and after the passing of this act, settle the accounts of the supervisors and allow them every reasonable charge, a fair statement of which accounts, shall be published in hand bills, in three or more of the most public places in the district aforesaid (and published in one or more of the newspapers which are most in circulation in the said district) and if any of the said supervisors shall refuse or neglect to settle their accounts as aforesaid, they and each of them refusing or neglecting shall forfeit and pay the sum of twenty pounds over and above the balance which may be found in his or their hands, to be recovered as debts under ten pounds are by law recoverable, to be applied for the purpose of carrying this act into execution.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That every clause, matter and thing contained in the said act to which this is a supplement which is contradictory or repugnant to or in anywise altered by this act, be and the same is hereby repealed, annulled and made void and of no force and effect whatever.

Passed October 4, 1788. Recorded L. B. No. 3, p. 430.

CHAPTER MCCCLXXVII.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT FOR REGULATING THE FISHERY IN THE RIVER CONNESTOGA IN THE COUNTY OF LANCASTER."¹

(Section I, P. L.) Whereas since the passing of an act for regulating the fishery in the river Connestoga in the county of Lancaster passed the twenty-second day of January one thousand seven hundred and seventy-four it has been found that many means and contrivances not guarded against in the said

¹ Passed January 22, 1774, Chapter 694.