

1791. 1796, (chap. 1886,) which salary is per- See the general index—title. "Secre-
 manently fixed by act of 25th of Feb'y, tary of the commonwealth."
 1803, (chap. 2325.)

CHAPTER MDXXXIII.

[Original act
 vol. 3, pa.
 702, chap.
 1433.]

A SUPPLEMENT to an act, entitled "An act to enable the own-
 ers and possessors of meadow-land, situate in the precinct of
 Richmond, in the township of the Northern-Liberties, to keep the
 banks, dams, sluices and flood-gates, in repair."

Passed 16th March, 1791.—Private Act.—Recorded in Law Book No. IV.
 page 137.

CHAPTER MDXXVIII.

An ACT to establish a ferry over Swatara creek, near the town of
 Williamsburgh, in the county of Dauphin, and for vesting the
 right in Christian Seltzer, his heirs and assigns.

[CHRISTIAN SELTZER authorized to erect a ferry over
 Swatara creek, on the main road leading from Reading through
 Williamsburgh, in the county of Dauphin; subject to such rules,
 rates and regulations as the legislature may in future direct and ap-
 point; but not to have a right to use the landings of other persons
 without their consent. The said ferry to be at all times kept and
 maintained in good order and repair.]

Passed 28th March, 1791.—Recorded in Law Book No. VI. page 141.

CHAPTER MDXXX.

An ACT for establishing a nightly watch, providing lamps, and
 supporting pumps, for public use, at a common charge, within a
 certain part of the township of the Northern-Liberties of the city
 of Philadelphia.

WHEREAS the inhabitants of that part of the township of
 the Northern-Liberties of the city of Philadelphia, which lies be-
 tween the middle of Fourth-street and the river Delaware, and be-
 tween Vine-street and Pegg's run, have, by their petition to the
 legislature, represented, that from the increase of population, build-
 ings and improvements, great inconveniences are sustained, which
 are likely to increase, from the want of proper regulations in respect
 to lighting and watching their streets by night, and supporting, at a
 common charge a suitable number of pumps, within the said divi-
 sion of the Northern-Liberties :

SECT. 1. Be it therefore enacted by the Senate and House of Re-
 presentatives of the commonwealth of Pennsylvania, in General As-
 sembly met, and it is hereby enacted by the authority of the same,

Electors to
 choose as-
 sistants.

That the freeholders and taxable inhabitants of that part of the
 township of the Northern-Liberties of the city of Philadelphia,
 which lies between the middle of Fourth-street and the river Dela-
 ware, and between Vine-street and Pegg's-run, shall meet on the
 last Monday in April, at the house now occupied by John Strickler,
 and shall then and there elect, by majority of votes, two persons,

to conduct the election to be then and there holden, of inspectors of the election herein after directed; and when the said assistants shall be so chosen, they shall proceed to hold an election, by the ballot of the freeholders and taxable inhabitants of the said division of the township aforesaid, for two freeholders, resident within the said division, to be inspectors as aforesaid; and the said election of inspectors shall be opened at two of the clock in the afternoon, and at seven of the clock in the afternoon the poll shall be closed, the number of votes ascertained, and the persons highest in votes publicly declared and certified by the said assistants, who shall, within twenty-four hours afterwards, give notice thereof in writing to the persons so elected inspectors; and the said inspectors shall, in the morning of the day hereafter appointed for holding an election of commissioners and a treasurer, take to their assistance three freeholders, inhabitants within the said division of the township aforesaid, to be judges of the said election; which judges and inspectors shall, for the purpose of holding such election, be vested with the like powers and authorities, as are vested by law in the judges and inspectors of the general elections of this commonwealth.

1791.
Assistants to elect inspectors,

How inspectors to hold elections for commissioners and treasurer.

SECT. II. *Be it enacted by the authority aforesaid,* That the said judges and inspectors, so appointed, shall, on the first Monday in May, at one of the clock in the afternoon of the same day, at the house now occupied by John Strickler, open and hold an election, by the ballot of the freeholders and taxable inhabitants of the said division of the township aforesaid, for three discreet freeholders and inhabitants of the said division, to be commissioners, and one such freeholder and inhabitant to be treasurer; and the said election shall be closed at eight of the clock in the afternoon of the same day, when the votes shall be ascertained, and the persons highest in votes for the said offices, respectively, shall be publicly declared and certified, and a certificate thereof, in writing, signed by the said judges and inspectors, shall be sent to such persons, respectively, within twenty-four hours afterwards.

An election to be held on the first Monday in May, for three commissioners and one treasurer.

SECT. III. *Be it enacted by the authority aforesaid,* That one of the said commissioners shall serve for three years, one of them for two years, and one of them, and the treasurer, shall serve for one year from the time of their being so elected; and the said commissioners shall, on the second Monday in May next, meet together at some convenient place, and then and there, by lot, determine which one of them shall serve for three years, which for two years, and which for one year, respectively; and having so determined, they shall certify the same, under their respective signatures, to the clerk of the Court of Quarter Sessions for the county of Philadelphia, who shall file such certificate among the records of the said court.

Term of service of the commissioners and treasurer, respectively.

SECT. IV. *Be it enacted by the authority aforesaid,* That on the first Monday in May, annually, for ever, the freeholders and taxable inhabitants shall in like manner elect, by ballot, one freeholder and inhabitant of the said division, to be commissioner, to serve for the space of three years, and three such freeholders and inhabitants, to be examiners of the accounts of the said commissioners, who shall serve for one year, and one such freeholder and inhabitant to

Elections to be held for commissioners, for examiners, &c.

1791.

Ten days notice of the election shall be given.

Vacancies, how supplied.

Powers of the commissioners.

Proviso, respecting lamps.

Further powers of the commissioners.

Regulations respecting watchmen.

be treasurer, to serve for one year of which election ten days previous notice shall be given, by means of advertisements put up in the most public places of the said division, by the commissioners for the time being; and the election of inspectors shall be ten days before the election of commissioners and treasurer, the names of the persons elected commissioner, examiners and treasurer, shall be certified to the clerk of the Court of Quarter Sessions for the said county by the judges and inspectors, to be filed among the records of the said court: In case of the death, resignation, or removal from the said division, of any of the said commissioners, or of the treasurer, the remaining commissioners shall, after giving public notice in manner aforesaid, cause an election to be holden in like manner, to supply such vacancies.

SECT. v. *Be it enacted by the authority aforesaid,* That the said commissioners, or any two of them, shall have full power, and they are hereby required, to keep in repair, at the common charge, such suitable number of pumps as now are, or hereafter may be, fixed on the north side of Vine-street, and in any of the highways, streets, lanes or alleys, within said limits, for the necessary accommodation of the inhabitants thereof; they shall also cause to be fixed and disposed of, in as regular order as the crossings and intersections of the several highways, streets, or alleys, will admit of, and in as beneficial a manner for the general and equal use and interest of the whole district as can be, such number of lamps on the north side of Vine-street, and in all the public highways, streets or roads, within the limits before described, as may be necessary therein: *Provided* only so many lamps be fixed and disposed of, in order and manner as aforesaid, and maintained, from time to time, as they, from the present state and future progress of buildings and improvements, may judge necessary to apportion. They are also hereby authorized and empowered to contract with any person or persons for the lighting, trimming, supplying, maintaining and preserving the same, and likewise to employ such number of watchmen, at such reasonable wages, as shall be found necessary and proper.

SECT. vi. *Be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall have full power and authority to ascertain and prescribe the stands and number of rounds of the said watchmen, in and throughout all the public streets and highways within the said division, to engage them for such length of time as shall be found expedient, and, in case of misbehaviour, inability or neglect, to discharge them, and appoint others in their stead; and the said watchmen, respectively, shall use their best endeavours to prevent fires, murders, burglaries, robberies, and other outrages and disorders, within the said limits, and to that end are hereby empowered and required to arrest and apprehend all suspicious persons, who shall be found wandering or misbehaving themselves, and shall take the person or persons so apprehended, as soon as conveniently may be, before some Justice of the Peace of the said county, to be examined, and dealt with according to law.

SECT. vii. And whereas disputes and dissatisfactions may arise touching the distributions or support of the lamps, watchmen or

pumps, within said district: For remedy whereof, *Be it enacted, 1791,*
and it is hereby enacted by the authority aforesaid, That upon ap-
 plication of any three freeholders of the said division to the Gene-
 ral Court of Quarter Sessions of the county of Philadelphia, the
 Justices of the said court shall nominate and appoint a jury, con-
 sisting of not less than three, or more than five freeholders of the
 said county, (not residing within said division,) to review and con-
 sider the matters and things complained of, and to make report of
 their judgment thereon, which judgment, so reported, shall be
 binding on the commissioners aforesaid, and on all parties con-
 cerned.

Disputes
 respecting
 the distribu-
 tion of
 lamps, &c.,
 how to be
 settled.

SECT. VIII. *Be it further enacted by the authority aforesaid,* That
 any person or persons, who shall wilfully and maliciously break and
 carry away the handles of any of the public pumps within the said
 limits, or otherwise injure or damage the same, and shall be thereof
 legally convicted in the Court of Quarter Sessions in and for the
 peace of the said county, shall, for the first offence, forfeit and pay
 the sum of three pounds for each pump so broken or damaged, and
 for the second, and every other offence, the sum of six pounds.

Penalty for
 injuring
 pumps,

SECT. IX. *Be it further enacted by the authority aforesaid,* That
 any person or persons, who shall wilfully or maliciously break, throw
 down, or extinguish any lamp, hung out or set up to light any street,
 lane or alley, within the said limits, or shall wilfully or maliciously
 damage the post, iron, or other furniture thereof, and shall be thereof
 convicted in any court of Quarter Sessions in and for the said county,
 shall forfeit and pay the sum of two pounds for each lamp so
 broken, thrown down, extinguished, or otherwise damaged, and
 for each post, iron, or other furniture thereof, so broken or da-
 maged; and if any person or persons shall accidentally and unde-
 signedly break, throw down, or extinguish any of such lamps, or
 injure any such posts, iron, or other furniture, and shall fail to give
 notice thereof to some one of the said commissioners, and pay the
 damage thereby incurred within twenty-four hours from the time of
 doing such injury, every such person, so neglecting, shall forfeit dou-
 ble the sum of money necessary in the judgment of the said com-
 missioners to repair the injury done.

Penalty for
 injuring
 or extin-
 guishing
 lamps.

SECT. X. *Be it further enacted by the authority aforesaid,* That
 for the purposes herein before expressed, it shall and may be lawful
 for the said commissioners, or a majority of them, to lay a rate or
 rates in any one year, not exceeding five shillings in the hundred
 pounds, on the value of the real and personal estates of the free-
 holders and inhabitants within the said limits, agreeably to the last
 assessment for raising county rates and levies, to be applied in con-
 formity to the true intent and meaning of this act; which rate or
 rates shall be laid according to the best of their skill and judgment,
 and as near as may be to the county assessments, having due re-
 gard to every rateable estate within the said limits, without favour
 or affection to any person whatever.

The com-
 missioners
 to lay a
 rate not
 exceeding
 in one year
 5 shillings
 in the
 £. 100 &c.

SECT. XI. *Be it further enacted by the authority aforesaid,* That
 if any person, so rated and assessed, shall refuse to pay the sum
 to him charged, and shall not enter an appeal to the next court of
 General Quarter Sessions, it shall and may be lawful for the collec-

Proceedings
 in case of
 refusing or
 neglecting
 to pay the
 rates as-
 sessed.

1791.

tor of the said rate to levy the same on the goods and chattels of the persons so refusing; and in case such persons shall not, within three days after such distress made, pay the sum so on him assessed, with the charges of such distress, the said collector, having given six days previous notice thereof, by advertisements distributed and fixed up in the most conspicuous place, shall expose said goods in one of the most public parts of the said division, and sell the same to the highest bidder, rendering to the owner the overplus, if any shall be, after deduction of reasonable charges. *Provided always,* That it shall be lawful for the justices of the court of General Quarter Sessions of the said county, upon the petition of any person aggrieved by such rate or assessment, to make such order therein, as to them shall appear just; and the collector, in case of such appeal, shall forbear making distress, until the same be determined in the said court of General Quarter Sessions.

Proviso in case of an appeal.

The goods of tenants liable for the rates of their tenements. How indemnified.

Proviso.

SECT. XII. *Be it further enacted by the authority aforesaid,* That the goods of any tenant, or person residing upon any lands or tenements, within the said limits, shall be liable to be so distrained and sold for the payment of the said rate; in which case it shall be lawful for such tenant to deduct out of his rent, so much as he shall be compelled to pay on account of his landlord, or to recover the same by action, with costs of suit. *Provided,* That nothing herein contained shall extend to any agreement relative to the payment of taxes, made between any such landlord and tenant.

The collectors how and when to account and pay, &c.

SECT. XIII. *Be it further enacted by the authority aforesaid,* That the said collector shall, at least once in three weeks, render a just and true account of, and bring in and pay to the treasurer, all such monies as he shall have received, and shall pay the whole and every of the sums of money assessed in his duplicate, within three months next after the day of appeal, such deficiencies as the said commissioners, or a majority of them, shall allow being first deducted; and the treasurer shall, from time to time, signify in writing to the said commissioners such sums of money as he may so receive; but if any such collector shall refuse or neglect to pay the monies which he shall be charged to collect, within the time herein before limited, he shall forfeit and pay to the treasurer the sum of two hundred pounds, and also all the arrearages of the rate he was appointed to collect, to be levied by a warrant, under the hands and seals of the said commissioners, directed to the sheriff of the county of Philadelphia, who is hereby authorized and empowered to execute such warrant upon the goods and chattels of such collector, or in case sufficient goods and chattels cannot be found, then to imprison such collector, until payment be made.

The treasurer's duty.

Penalty on misconduct of collector.

How the collector is to be appointed;

and give security.

SECT. XIV. *Be it further enacted by the authority aforesaid,* That the said collector shall be appointed by the said commissioners, or a majority of them, from time to time; he shall be liable to be removed for misbehaviour or neglect; he shall be allowed one shilling per pound upon all monies by him collected and paid to the treasurer, pursuant to this act; and he shall give bond, with two sufficient sureties, to the said commissioners, in the sum of two hundred pounds, conditioned for the faithful performance of the duties of his office.

SECT. xv. *Be it further enacted by the authority aforesaid,* 1791. That the said treasurer for the time being, before he enters upon the execution of his office, shall give sufficient security to the said commissioners, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office. He shall receive all monies levied and raised by virtue of this act, and shall pay all accounts and demands certified to him by the said commissioners, or a majority of them, to be due on account of the objects committed to their care; and at the expiration of the term of his appointment, he shall pay the balance in his hands to his successor in office; and, as a full compensation for his services, he shall be allowed at the rate of two pounds per centum upon all monies received by him in virtue of his office.

The treasurer shall give security,

Duties of the treasurer.

The compensation for his services.

SECT. xvi. *Be it further enacted by the authority aforesaid,* That the said commissioners, for the services required and enjoined by this act, shall be paid by the said treasurer five shillings, respectively, for every day's attendance actually employed therein.

The compensation of the commissioners.

SECT. xvii. *Be it further enacted by the authority aforesaid,* That the said commissioners and treasurer, respectively, shall keep fair and regular books of account, which shall be at all times open to the inspection of any two or more freeholders or inhabitants within the said limits, and shall submit the same, with the proper vouchers, when so required, to the examiners herein before mentioned; and they shall also exhibit a statement of such accounts, with the reports of the examiners thereupon, annually, ten days before the day of the said annual elections, in two or more of the public newspapers printed in the city of Philadelphia.

The commissioners and treasurer to keep fair books, &c.

Passed 30th March, 1791.—Recorded in Law Book, No. IV. page 143.

CHAPTER MDXXXII.

An ACT to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties.

WHEREAS the mode of settling the public accounts of the commissioners of the respective counties, as directed by the act, entitled "A Supplementary act to the act for raising county rates and levies,"* passed the fifteenth day of August, one thousand seven hundred and thirty-two, has been found defective, and incompetent to the attainment of the good purposes intended by the legislature, so that in many instances the accounts of such commissioners have lain unexamined and unsettled for a series of years, which renders it expedient to establish some other method of satisfying the people, that the monies levied upon them by the county commissioners are duly applied:

* chap. 250. new repealed.

SECT. I. [The county courts to appoint persons to audit commissioners accounts, &c. repealed and supplied by act 16th of March, 1809, see note.]

SECT. II. *Be it further enacted by the authority aforesaid,* That all such auditors appointed by virtue of this act, two of whom shall

The power of the auditors.