

right or title, interest, claim or demand, which they may have in or to the said lot of ground, or any part thereof.

Passed March 30, 1791. Recorded L. B. No. 4, p. 142.

CHAPTER MDXLI.

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 between the middle of Fourth street and the river Delaware, and between Vine street and Pegg's run, have, by their petition to the legislature, represented, that from the increase of population, buildings 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 division of the Northern Liberties:

[Section I.] (Section I. P. L.) Be it therefore 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 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 Delaware, and between Vine street and Pegg's run, shall meet on the last Monday in April, at the house now occupied by John Stricker, 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 hereinafter 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 open 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.

[Section II.] (Section II. P. L.) 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 Stricker, 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.

[Section III.] (Section III. P. L.) 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 con-

venient 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.

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That on the first Monday in May, annually, forever, 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 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.

[Section V.] (Section V. P. L.) 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.

[Section VI.] (Section VI. P. L.) 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 misbehavior, inability or neglect, to discharge them, and appoint others in their stead; and the said watchmen, respectively, shall use their best endeavors 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.

[Section VII.] (Section VII. P. L.) 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, and it is hereby enacted by the authority aforesaid, That upon application of any three freeholders of the said division to the general court of quarter

sessions of the county of Philadelphia, the justices of the said court shall nominate and appoint a jury, consisting of not less than three or more than five freeholders of the said county (not residing within said division) to review and consider 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 concerned.

[Section VIII.] (Section VIII. P. L.) 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 offense, forfeit and pay the sum of three pounds for each pump so broken or damaged, and for the second, and every other offense, the sum of six pounds.

[Section IX.] (Section IX. P. L.) 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 damaged, and if any person or persons shall accidentally and undesignedly 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 damages thereby incurred, within twenty-four hours from the time of doing such injury, every such person, so neglecting, shall forfeit double the sum of money necessary in the judgment of the said commissioners to repair the injury done.

[Section X.] (Section X. P. L.) 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 pound, on the value of the real and personal estates of the freeholders and inhabitants within the said limits, agreeably to the last assessment for raising county rates and levies, to be applied in conformity 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 regard to every ratable estate within the said limits, without favor or affection to any person whatever.

[Section XI.] (Section XI. P. L.) 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 collector of the said rate to levy the same on the goods and chattels of the person so refusing; and in case such person shall not, within three days after such distress made, pay the sum so on him assessed, with the charge 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.

[Section XII.] (Section XII. P. L.) 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 com-

pelled 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.

[Section XIII.] (Section XIII. P. L.) 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 moneys 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 moneys 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.

[Section XIV.] (Section XIV. P. L.) 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 misbehavior or neglect; he shall be allowed one shilling per pound upon all moneys 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.

[Section XV.] (Section XV. P. L.) Be it further enacted by the authority aforesaid, 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 moneys 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 moneys received by him in virtue of his office.

[Section XVI.] (Section XVI. P. L.) Be it further enacted by the authority aforesaid, That the said commissioners, for the services required and enjoyed by this act, shall be paid by the said treasurer five shillings, respectively, for every day's attendance actually employed therein.

[Section XVII.] (Section XVII. P. L.) 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.

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