

CHAPTER MDCXXVIII.

AN ACT FOR ESTABLISHING A NIGHTLY WATCH, PROVIDING LAMPS AND SUPPORTING PUMPS, FOR PUBLIC USE, IN THE BOROUGH OF LANCASTER, IN THE COUNTY OF LANCASTER.

Whereas it has been represented that great advantage and benefit would arise to the inhabitants of the borough of Lancaster, in the county of Lancaster, if they were enabled by law to raise a public tax on themselves, and to make proper regulations in respect to lighting and watching their streets, and supporting a suitable number of pumps within the said borough.

[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 for the purposes in this act mentioned, the said borough of Lancaster shall be, and it is hereby divided into four wards, that is to say; all that part of the said borough to the north of King street, and to the east of Queen street, shall be one ward, and shall be called northeast ward; and all that part of the said borough to the north of King street, and to the west of Queen street, shall be one ward, and shall be called northwest ward; and all that part of the said borough to the south of King street, and to the east of Queen street, shall be one ward, and shall be called southeast ward; and all that part of the said borough to the south of King street, and to the west of Queen street, shall be one ward, and shall be called southwest ward.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That on the fourth Monday in September, annually, forever, the freeholders and taxable inhabitants in the said borough, shall elect by ballot one fit person in each ward to be assessor of the said borough, and one fit person in each ward to be the warden of the said ward, to serve for one year respectively; and the said election shall be

conducted in the following manner: that is to say, the high constable of the said borough, for the time being, having given public notice of the time of holding such election, at least five days before, by affixing two or more advertisements thereof in the most public places in each of the said wards, shall appoint one person from each ward to be judge of the election for the said ward, and one person from each ward as inspector for that ward, and the tickets of the votes at such election shall be received by the inspector of each ward in boxes, to be provided by the corporation, and separately appropriated to each ward respectively; and the person who shall then and there have the majority of votes in the said ward for assessor, shall be the assessor for one year; and the person in each ward respectively, who shall have the majority of votes in the said ward for warden, shall be the warden of that ward for one year; and the said election shall be held at the court house, in the said borough, and shall not continue open longer than ten o'clock in the evening, and a return of the whole election under the hands and seals of the said high constable and judges, shall be lodged by the said high constable in the office of the clerk of the peace of the county of Lancaster, on the day after the election; and in case any of the said assessors and wardens, when chosen, shall refuse to serve, or in case of the death or removal of any of them from the borough, the burgess and assistants, or a majority of them, shall forthwith appoint a proper person to fill any vacancy so occasioned by refusal, death, or departure from the borough until the next annual election under this act, and in like manner, as often as occasion may require; and if any warden, so chosen or appointed, shall refuse to serve, or having taken upon himself the office, shall wilfully neglect the duties thereof, such person or persons so offending shall respectively forfeit the sum of five pounds for every such offense, to be recovered in the manner directed in this act; but no person shall be compelled to serve the office of warden more than one year, in any term of three years; and in the meantime, until an election can be had in the manner prescribed in this section, Casper Ehrman shall be the warden for northeast ward; Henry Lechler, for northwest ward; Daniel

Ehler, for southeast ward; and John Reitzall for southwest ward; and Christopher Petery, Jacob Weaver, Matthias Young and Caleb Cope, shall be assessors.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgesses of the said borough, and at least four of the assistants shall, on or before the first Monday in October yearly, and every year, calculate what sum or sums of money may be needful and necessary to be raised on the real and personal estates of the freeholders and inhabitants of the said borough, from time to time, which sum or sums, being allowed by the corporation, shall be applied to the best advantage for the purposes in this act mentioned, and shall forthwith give notice in writing to the said assessors, of the amount of the sum so to be raised; and it shall and may be lawful for the said assessors, within two weeks after such notice, and they are hereby directed and enjoined, to lay a rate or assessment upon the real and personal estates of themselves and all other freeholders and taxable inhabitants in the said borough, according to the method used in this commonwealth in making assessments for raising of county rates and levies, which rate or rates shall be laid according to the best of their skill and judgment, without favor or affection to any person whatsoever; for which service the said assessors shall be allowed twopence in the pound for all sums levied and collected by virtue of this act; and the better to enable the said assessors to make the said rates and assessments equally and impartially, the wardens of the said wards respectively, within five days after notice given to them by the said assessors, shall bring in returns in writing, of the names and estates of all persons within their respective wards, for which they shall be allowed twopence in the pound upon every sum assessed in their respective wards, which said assessment shall be returned to the corporation under the hands and seals of the said assessors, or any two of them.

Provided always, That no rate or assessment shall be made in one year, exceeding fourpence in the pound on the value of the real and personal estates of the freeholders and taxable inhabitants in the said borough; and in case there shall be any

deficiency in any one year's rate or assessment, so to be made as aforesaid, so that all the wages to watchmen, and other debts made and contracted by the said corporation, for the purposes in this act mentioned, with the incidental charges, cannot be fully paid and satisfied in that year, then and in that case, the deficiency so happening shall be paid out of the next succeeding year's rate and assessment, and so on, from year to year, till it shall be paid, and if there should be any surplus money collected by such rate and assessment in one year, such surplus shall be carried on to the account of the next year's rate and assessment, and in relief and ease of the same.

Provided always, That in making such rates and assessments, the assessors shall have power to assess such sum upon each single freeman in the said borough, according to his ability, not less than three shillings nor more than six shillings.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That a fit person shall be appointed collector of the said rates and assessments, by the said corporation, from time to time, and shall be liable to be removed for misbehavior or neglect; he shall be allowed sixpence in the pound upon all moneys by him collected and paid to the treasurer, pursuant to this act, and shall give bond, with two sufficient sureties, to the said corporation, and their successors, in the sum of two hundred pounds, conditioned for the faithful performance of the duties of his office; and the said collector shall, forthwith after every such rate and assessment made as aforesaid, give notice to the said freeholders and taxable inhabitants of the said borough, or in their absence, to some one of their family, of the respective sums they are rated, and acquaint them with the day and place of appeal, in case they shall think themselves aggrieved by such rate or assessment, which appeal shall be heard at some convenient place in the said borough, to be appointed by the said assessors, within two weeks after the said assessment is laid, and on the said day of appeal, the corporation in the presence of the said assessors, or a majority of them, shall hear all appeals, and thereupon diminish or add to such assessment, as to them shall seem just and reasonable, taking notice of such estates, if any,

as they may find omitted in the said assessments, in order to rectify the same.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That from and immediately after the said day of appeal, if any person, so rated and assessed, shall neglect, or upon demand made by the said collector, shall refuse to pay the sum to him or her charged, it shall and may be lawful for the said collector 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 or her assessed, with the charges of such distress, the said collector, having given six days previous notice thereof, by advertisements distributed and fixed up in at least four of the most public places in the said borough, shall expose the said goods at the court house in the said borough, and sell the same to the highest bidder, rendering to the owner the overplus, if any shall be, after deduction of reasonable charges, and the goods of any tenant or person residing upon any lands or tenements within the said borough, shall in like manner be liable to be distrained and sold, for the payment of such rate assessed thereon, 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 landlord and tenant.

[Section VI.] (Section VI, P. L.) And 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 two months next after the day of appeal, such deficiencies as the corporation shall allow being first deducted; but if any such collector, appointed as aforesaid, shall refuse or neglect to collect the said rates and assessments, or shall refuse or neglect to pay the moneys which he shall be charged to collect, within

the time hereinbefore limited, he shall forfeit and pay to the treasurer, for the uses in this act mentioned, the sum of five pounds, and also all the arrearages of the rates he was appointed to collect, to be levied by a warrant, under the seal of the corporation, signed by the burgesses, directed to the sheriff of the county of Lancaster, 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; and the treasurer's receipt shall be a sufficient discharge to the said collector for all moneys paid to him in pursuance of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the corporation shall appoint a treasurer in the said borough, who shall be nevertheless liable to be removed for misbehavior in his office, or neglect of duty, and in case of such removal, death or resignation of the treasurer, the said corporation, as often as occasion may require, shall appoint another in his place; he shall be allowed in full compensation for his services, at the rate of two pounds ten shillings per centum upon all moneys received by him in virtue of his office, and before he enters upon the execution of his office, he shall give a bond, and sufficient security to the said corporation and their successors, in the penalty of five hundred pounds, lawful money of Pennsylvania, conditioned to pay all such moneys as shall come into his hands by virtue of this act, according to the orders to be given to him from time to time in the manner hereinafter directed, and not otherwise; and for the due performance of his duty in the trust hereby committed to him, and that in case of his death, or removal from said office, or resignation, he, the said treasurer, his executors or administrators, shall and will, within one month after such death, removal or resignation, deliver over to the succeeding treasurer all books, accounts and papers belonging to the said office, whole, entire and undefaced, and also settle the accounts of his said office, and to pay to the said succeeding treasurer, within the time aforesaid, such bal-

ance or sums of money as may be due to the said corporation at the time of his death, removal or resignation aforesaid.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said treasurer shall receive from the collector all moneys levied and raised by virtue of this act, and from time to time signify in writing to the said corporation, such sums of money as he may so receive, or, when the said collector is negligent, or refuses to do his duty in the premises, he shall likewise signify the same to the said corporation, by way of complaint, who shall proceed thereon as this act directs; he shall pay all accounts and demands certified to him by the said corporation to be due on account of the objects committed to their care, and he shall keep a distinct book, containing a particular account of the rates, and disbursements and payments, he shall make in pursuance of such certificates and orders of the said corporation, and he shall, once in six months, or oftener if occasion be, bring in his accounts and settle and make them up before the said corporation and any two persons whom they shall appoint; at the auditing of which accounts all or any of the freeholders and inhabitants that are willing may be present.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the corporation shall keep a regular book, and cause the town clerk of the borough to make fair and regular entries of all acts and proceedings done by them in pursuance of this act, as well of all contracts and agreements made and entered into, as of all certificates or orders for money drawn upon the treasurer, and of the particular sums so levied and collected as aforesaid, as shall be appropriated and apportioned to the different purposes of this act, which book shall be at all times open to the inspection of any two or more freeholders and taxable inhabitants in the said borough.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said assessors, before they enter on the duties required of them by this act, shall be bound by oath or affirmation, well and truly to cause the rates and sums of money by this act imposed to be duly and

equally assessed and laid, to the best of their skill and knowledge, and therein will spare no person for favor or affection, nor grieve any for hatred or ill-will, and that they and each of them, the said assessors, will diligently attend and faithfully execute the said office, during the term of their continuance therein, according to the best of their abilities and judgment; and the wardens shall be bound, by oath or affirmation, well and truly to execute the office of warden for the ensuing year, or until they shall be legally discharged, to the best of their abilities and judgment, which qualification may be administered by any burgess in the said borough.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall have full power, and they are hereby required, to fix, support and maintain, from time to time, out of the moneys levied and collected by virtue of this act, such suitable number of pumps, in such convenient public places in the streets and public alleys in the said borough, and to erect and maintain dams and sluices, in such parts of the said borough as to them shall appear necessary, the said pumps 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 borough, as can be; and the said corporation are hereby further empowered, when they shall think proper, to agree with the owner or owners for all or any of such pump or pumps as are already fixed in the streets or alleys within the said borough, which pump or pumps, after such agreement made with the owner or owners thereof, shall forever after become the property of and belong to the said corporation, to be maintained and kept in repair at the public charge; and the said corporation are further empowered, and are hereby enjoined, to inquire into the condition and take care of the repair of the several pumps within the streets or public alleys of the said borough, and if, after due inquiry, it shall appear to them, on the evidence of two or more witnesses, that any of the said pumps have been out of repair for the space

of three months next after notice thereof given by one of the burgesses to the owner or owners of the said pumps, then, and in such case, every such pump or pumps shall forever become and be the property of the corporation, to be maintained at the public charge; and if any person or persons shall and do, after publication of this act, wilfully and maliciously break or carry away the handles of any of the pumps within the said borough or otherwise injure or damage the same, every person so offending, and being thereof convicted in any court of quarter sessions in and for the county of Lancaster, shall forfeit and pay to the treasurer, for the uses of this act, the sum of five pounds, to be forthwith levied, by warrant directed to the high constable of the said borough, on the goods and chattels of such offender, or in case of a deficiency thereof, by imprisonment until payment be made, or the offender be otherwise discharged by the due course of law.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall have power, and are hereby directed, as soon as can be, to erect, put up, and fit such number of lamps, in such parts and places in the highways, streets and public alleys in the said borough, as to them shall seem meet and expedient, and 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, and 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 corporation shall have full power and authority to order and direct which warden shall watch or superintend the said watch each night, and to regulate and ascertain the hours and manner of keeping watch at each particular season of the year, and to ascertain and prescribe the stands and number of rounds of the said watchmen throughout all the highways, streets and public alleys, in the said borough; and the said wardens and watchmen, respectively, shall use their best endeavors to prevent fires, murders, burglaries, robberies and other outrages and disorders, within the said borough; 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 the bur-gesses, or some justice of the peace of the county of Lancaster, to be examined and dealt with according to law; and the said wardens and watchmen shall observe, perform and execute all such matters and things, as by the rules, orders and regula-tions of the corporation, shall from time to time be made and enjoined them, touching all matters contained in this act; and in case of any fire breaking out, or other great necessity, shall immediately alarm each other, and the inhabitants in their respective bounds, which when done, they shall repair to their respective stands, the better to discover any other fire that may happen, as well as to prevent any burglaries, robberies, outrages and disorders, and to apprehend any suspicious per-son, who, in such times of confusion, may be feloniously carry-ing away the goods and effects of others.

[Section XIII.] Section XIII, P. L.) And be it further en-acted by the authority aforesaid, That it shall be the duty of the warden of each ward, respectively, daily to examine all the lamps in his ward, and to take care that they shall be at all times in proper repair, and in case any injury shall be done to any of them, to give immediate notice thereof to the said cor-poration; and if any person or persons shall and do, after the publication of this act, wilfully or maliciously break, throw down, or extinguish any lamp, that is or shall be hung up or set up to light the streets and alleys in the said borough, or shall wilfully damage the post, iron or furniture thereof, or any sentry box, any person, so offending and being thereof convicted in any court of quarter sessions of the peace in the county of Lancaster, shall forfeit and pay the sum of five pounds for each lamp so broken, thrown down, extinguished or otherwise damaged, or for each post, iron or other furniture thereof, or sentry box, so damaged or broken, to be recovered and applied as directed in the eleventh section of this act, and if any person or persons shall accidentally and undesignedly break, thrown down, or extinguish any of such lamps, or in-

jure any such posts, iron or other furniture, or sentry box, and shall fail to give notice thereof to the warden of the proper ward, and pay the damage 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 corporation to repair the injury done.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any minor, bound servant, apprentice, negro or mulatto slave be convicted of incurring any of the penalties or damages mentioned in this act, every such minor, bound servant, apprentice, negro or mulatto slave, shall be committed to prison for any space of time, not exceeding ten days, unless the parent, guardian, master or mistress of such offender or offenders will pay the damages or penalties aforesaid.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That all penalties incurred under this act, except where particular provision is made by this act for the recovery thereof, shall be recovered before one justice of the peace, in the same manner as debts under five pounds. Provided always, That no person or persons shall be sued or prosecuted for any offence against this act, unless he, she or they be sued or prosecuted within three months after such offence committed.

Passed April 4, 1792. Recorded L. B. No. 5, p. —. (Not recorded on original rolls.)

CHAPTER MDCXXIX.

AN ACT TO EMPOWER THE GOVERNOR TO DRAW A WARRANT ON THE TREASUR[ER] OF THIS COMMONWEALTH, IN FAVOR OF CHARLES WILSON PEALE, FOR THE PURPOSES MENTIONED.

Whereas Wilson Peale, of the city of Philadelphia, did, on or about the twenty-fifth day of August, in the year of our Lord one thousand seven hundred and seventy-nine, become the