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a return of all the votes given in each division, and a certificate of election to each of the persons elected to office in such division, shall be made out and signed by the judges, inspectors and clerks of such division; and on the day succeeding the election, at nine o'clock, A. M., the judges and inspectors of all the divisions of the ward shall meet and make out a return of all the votes given in such ward, and a certificate of election for each of the persons elected to office in such ward, which returns and certificates shall be signed by the judges of such ward, or a majority of them; the judges shall then designate one of their number to be a return judge, and shall give him an accurate copy of the returns of the votes given in such wards for each municipal officer voted for, and the return judges of the several wards shall meet at the State House at ten o'clock in the morning of the Thursday succeeding the day of election, and shall then and there, in the manner provided in the seventy-eight section of the Act of Assembly of July second, Anno Domini one thousand eight hundred and thirty-nine, aforesaid, proceed to add together the number of votes given in the several wards for the several officers voted for, and shall make out full and complete returns of said votes, and a certificate of election to the persons elected, which returns shall immediately, upon the adjournment of the return judges, be by the President thereof filed in the office of the Prothonotary of the Common Pleas; the certificates of election for the ward and division officers shall be delivered to the persons elected by the constables of the ward within three days after the election, and the certificates for the other officers voted for shall be delivered by the sheriff or his deputy within two days after the meeting of the return judges. The places for the meetings of the said judges and inspectors of said wards, shall be determined by a majority of those who are required to meet.

SECT. 35. The returns of all municipal elections in the city of Philadelphia, except of members of the select and common councils, shall be subject to the inquiry and determination of the court of common pleas of the county of Philadelphia, upon complaint of fifteen or more of the qualified voters of the proper ward or division, or in the case of mayor, treasurer, city controller, receiver of taxes, city solicitor, or city commissioner, by at least fifty of the qualified voters of the said city, which complaint shall be filed in the said court within twenty days after such election, and at least two of the complainants shall take and subscribe an oath or affirmation that the facts set forth in such complaint are true; and the said court, in judging of such elections, shall proceed upon the merits thereof, and determine finally concerning the same, according to the laws of this commonwealth, and shall have power, if they believe such complaint to have been made without sufficient cause, to decree that the complainants or any one or more of them shall pay all legal costs incurred by such investigation. The select and common councils respectively, shall in like manner, as each branch of the legislature of this commonwealth, judge and determine upon the qualifications of their members. The trial of a contested election shall be held and conducted and be proceeded with in the manner set forth in the several sections of the act of Assembly, passed July second, Anno Domini, one thousand eight hundred and thirty-nine, providing for the trial of contested elections of the Senate and House of Representatives, excepting that the committee shall be seven in select and eleven in common council. No complaint of an undue election or false return shall be acted on, unless presented within ten days after the organization of councils, nor unless signed by at least fifteen qualified voters of the proper ward, at least three of whom shall take and subscribe an oath or affirmation that the facts set forth in said petition or complaint is true.

SECT. 36. The elections within the city and county of Philadelphia, which, according to existing laws, are held on the third Friday in March in every year, shall, in the year 1855, be held on the first Monday in June; and thereafter on the first Tuesday in May, and the terms of all commissioners and officers thereof elected in March, and now in office, which would by law expire before the first Tuesday in June, are hereby extended, and they shall continue in office until their successors are duly chosen and qualified by, and in pursuance of, the elections held on the first Tuesday in June, as aforesaid, and until they shall be superseded in manner hereinbefore provided.

SECT. 37. All the right, title, and interest of the several townships, districts, and other municipal corporations mentioned in this act, of, in, and to all the lands, tenements, hereditaments, bridges, ferries, railroads, wharves, market stalls, landings, landing places, water works, gas works, buildings, easements, and franchises, of, in, and all goods, chattels, moneys, effects, debts, dues, demands, arrears, rents, fees, perquisites, rights, incomes, bonds, obligations, judgments, liens, actions, and rights of action, books, accounts, and vouchers, and of, in, and to all other property and estate whatsoever and wheresoever, belonging to any or either of them, be and they are hereby vested in the City of Philadelphia, to take effect on the first organization of the City Councils. *Provided*, That all the estates and incomes now held in trust by the county, (present city) and each of the townships, districts, and other municipal corporations united by this act, shall be held by the city of Philadelphia, upon, and for the same uses, trusts, limitations, charities, and conditions, as the same are now held by the said corporations respectively.

SECT. 38. That the net debt of the county of Philadelphia, after deducting and cancelling the portion held by the sinking fund and the several net debts of the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn., of the mayor, aldermen and citizens of Philadelphia, of the commissioners and inhabitants of the district of Southwark, of the commissioners and inhabitants of the district of Moyamensing, of the commissioners and inhabitants of the Kensington district, of the commissioners and inhabitants of the incorporated district of the Northern Liberties, of the commissioners of the district of Spring Garden, of the commissioners and inhabitants of Richmond, in the county of Philadelphia, the Districts of West Philadelphia and Belmont, of the boroughs of Whitehall, Manayunk, Germantown, Aramingo and Frankford, and the commissioners and inhabitants of the district of the public schools, after deducting and cancelling the portions held by the respective sinking funds of the said several corporations, is hereby consolidated and formed into one debt, to be called the debt of the city of Philadelphia, and payable at the same times that the principals of said debts are now made payable; certificates of which said debts are to be issued in sums of not less than one hundred dollars, in lieu of the present separate debts so consolidated, to the respective owners, in lieu of their present certificates of the same, at the option of such owners, bearing the same rate of interest that the debts so to be exchanged now bear, and payable on the first days of January and July, at the office of the Treasurer of the city of Philadelphia. There shall

be annually raised by tax, in addition to the income of the corporation property, a sufficient sum to discharge the annual interest on the said consolidated city debt; and no debt shall be incurred or loans made by the said city without a contemporaneous appropriation of a sufficient annual income or tax, exclusive of loans, to pay the interest and sink the principal of such debt in thirty years.

SECT. 39. The fiscal year of the city of Philadelphia, the board of guardians of the poor of the city of Philadelphia, the board of health and of the controllers of public schools of the city of Philadelphia, and inspectors of prisons, shall commence on the first day of January in each and every year. It shall be the duty of the board of guardians of the poor to furnish the councils of the city of Philadelphia, on or before the first day of March in every

year, an estimate of the amount that in their judgment will be required during the current fiscal year for the maintenance and support of the alms house establishment of the said board; and the controllers of public schools, and the board of health, the port wardens and inspectors of the prison, severally, shall, in like manner, on or before the same day in each year, furnish to the said councils the amount that in their judgment will be necessary for the support of public schools and the necessary expenses of the board of health, the port wardens and inspectors of the prison, respectively, for the current fiscal year, and the said city councils shall fix the rate and levy all the taxes now authorized by law within the limits of said city and county, except the State tax, and direct the amount to be applied and paid by the city treasurer to health, school, poor, city and other purposes, according to law. The said taxes shall be voted so as to show how much is raised for said objects respectively, they shall be collected and accounted for to the treasurer as one city and county tax. The said tax, and all State taxes accruing within said city limits, shall be paid to the receiver of taxes, and all allowance made by law for the collection and prompt payment of the State tax shall accrue to the city treasury for the use of the city. *Provided*, That the said City Councils shall discriminate in laying said city taxes as not to impose upon the rural portions those expenses which belong exclusively to the built portions of said city; for which purpose the assessors shall distinguish in their returns what properties are within agricultural or rural sections not having the benefit of lighting, watching and other expenditures for purposes exclusively belonging to built portions of said city; and all lands within said agricultural or rural districts, used for the purpose of cultivation or farming, shall be assessed as farm land. *And Provided*, That no money shall be hereafter borrowed on the faith and credit of said city, unless the ordinance or other authority authorizing the same; shall have been introduced at one stated meeting of the Common Council, and the draft thereof published in at least two of the newspapers of the city, daily, for four weeks before the final consideration and passage thereof by the said Common Council. And at any stated meeting of the Select Council, held at least one week after the final consideration of any such ordinance by the Common Council, the Select Council may consider and act upon any such ordinance; but the Select Council shall not originate any ordinance or other authority for borrowing money, and no loan shall be authorized without a vote of two-thirds of the whole number of the members of each Council. *And provided also*, That it shall be the duty of the City Councils to obtain by dedication or purchase within the limits of the said city an adequate number of squares or other areas of ground, convenient of access to all its inhabitants, and lay out and maintain such squares and areas of ground as open public places, for the health and enjoyment of the people forever.

SECT. 40. It may be prescribed by ordinance that paving of streets, except at the intersections thereof, and of foot ways, and laying of water pipes within the limits of the city, shall be done at the expense of the owners of the ground in front whereof such work shall be done, and liens may be filed by the said city for the same as is now practised and allowed by law.

SECT. 41. The county of Philadelphia shall continue to be one of the counties of this Commonwealth, and all county officers not superseded by this act, shall continue in office, and continue to be elected and voted for at the places of election provided for by this act as in other respects now provided by law, and be denominated officers of the county of Philadelphia; and all courts shall continue therein to exercise the jurisdictions and powers now conferred upon them by the constitution and laws of this Commonwealth, and the Councils of said city, and the officers thereof shall exercise all the powers and authorities of the superseded County Commissioners and County Board, and Commissioners of sinking fund and other officers not inconsistent with this act in such way and manner as by this act is, or by the City Councils may be established.

SECT. 42. That the select and common councils of the city of Philadelphia shall be, and they are hereby authorized and directed to organize a police department in and for the said city, and may organize, if necessary, a fire department, subordinate to or independent of that of police, and to make, ordain and establish all needful laws and ordinances for the regulation thereof and for the preservation of the public peace, the suppression of riot and disturbances, and for the extinguishment of fires and the protection of property thereat, and for this purpose the said councils shall be and hereby are vested with ample power and authority in the premises.

SECT. 43. All laws providing for the appointment of tax collectors within the said city of Philadelphia, and all other laws altered or supplied by this act, are hereby repealed. *Provided, however*, That the city of Philadelphia shall have and possess all and every, the full power, right and authority to collect all the debts, demands and property of all and every kind transferred to and vested in the said city, by virtue of this act, as if the corporations hereby dissolved were not extinct, and all suits to be brought therefor shall be in the name of the city of Philadelphia, as if the same had been originally vested in the said city.

SECT. 44. That all acts of the Legislature not inconsistent with this act, now in force, shall continue in operation within the limits of the county, city, district, borough or township in which they are now operative under the authority of the city councils, courts and officers created by this act, or permitted to continue as consistent therewith until such acts shall be altered or repealed by the Legislature. *Provided*, That the city councils shall have power by ordinance to extend the operation of laws now in force within the city, police, or municipal districts, to other parts, or over the whole of the enlarged limits, and to declare what laws have become obsolete by this act, or the extension as aforesaid of other laws. All ordinances of the present city of Philadelphia, and other municipalities within the county of Philadelphia, shall continue in force within the limits of said city and municipalities respectively, until repealed by said Councils, and no longer; and

said Councils, in enacting new ordinances, may make such distinctions between the built and rural portions of the new city as they may deem required by circumstances. It shall be the duty of Councils to cause the laws and ordinances of said city, as they shall be framed and adopted under this act, to be published for the information of the citizens, and to present copies thereof to the Executive, the State Library, and each member of the present Legislature and the Legislature to convene next after the publication, and to make application for such further legislation as shall thereupon be found necessary.

SECT. 45. All officers elected by the qualified voters under this act, shall be subject to removal from office on impeachment for misdemeanor in office, or other sufficient cause, on charges to be preferred by the Common Council, and tried by the Select Council in manner prescribed by the constitution and laws of this Commonwealth, as to the impeachment by the House of Representatives and trial thereof by the Senate. All other officers shall be subject to removal for sufficient cause in such manner as Councils may determine.

SECT. 46. The City Council shall fix the compensation and prescribe the duties of all officers of said city in such manner as to carry out the purposes of this act, and as the welfare of said city may require, not inconsistent with the laws and constitution of this Commonwealth, and of the United States. Whenever any elective officer of said city shall die, or become incapable of fulfilling the duties of his office, his place, except where other provision is made for filling the vacancy, shall be filled by a joint vote of the City Councils, until the next city election and the qualification of a successor in the office. *Provided*, That such vacancy shall exist at least thirty days before the next city election, otherwise such vacancy shall be filled at the next election thereafter.

SECT. 47. No salary of any officer to be elected according to the provisions of this act, by the qualified voters of the city, hereby incorporated, shall be increased or reduced by any act or ordinance, to take effect during the term for which he shall have been elected; and in all cases where the salary of any officer shall not be fixed by law, it shall be fixed by Councils. *Provided*, That it shall not be lawful for Councils, at any time, to pass an ordinance, or by other means, provide for the payment of any money by a shape of per diem pay or compensation of any kind, for service rendered by them in their capacity as Councilmen or members of committees emanating from Councils.

SECT. 48. No person shall, at the same time, be a member of more than one of the following bodies, to wit: The City Councils, the Guardians of the Poor, the Board of Health, the Controllers of the Public Schools, the Directors of the Public Schools, and the Inspectors of the County Prison; nor shall any person be a member of any of these bodies, who is at the same time, a salaried officer under the same, or under any of them: *Provided*, That this shall not be construed so as to prevent a Controller of the Public Schools from being at the same time a School Director.

SECT. 49. Every officer or agent receiving moneys for the city, and payable to the City Treasurer, shall give bond for the faithful performance of his duty, and shall be required to make return to the City Controller once in every week, or oftener, if Councils shall direct, under oath or affirmation, of each item of the moneys received by him, and immediately upon making such return, to pay the amount in his hands to the City Treasurer. The said Controller is hereby authorized to administer such oath or affirmation, and any person falsely making such oath or affirmation, or guilty of falsehood in any other oath or affirmation required by the provisions of this act, or by any ordinance of Councils made in pursuance thereof, shall be guilty of perjury.

SECT. 50. It shall be the duty of the City Councils to provide by ordinance for the establishment and regulation of all the departments indicated by this act and other laws in force in said city, under the proper heads, and with the necessary clerks, officers and assistants, to wit: For law, police, finance, surveys, highways, health, water, gas, fire, the poor, the city property, and the public grounds, and such others as may from time to time be needed, and, through the Mayor and proper committees, the said Councils shall maintain a supervision of each department, whether corporate or otherwise, and over the Inspectors of the County Prison, for the exposure and correction of all evils and abuses, and for that purpose may require the production, and inspection of books and papers, and the attendance of witnesses by subpoena, and examine under oath or affirmation; but no member or members of Council, whether as a committee or otherwise, shall make any disbursement of corporate moneys, nor audit the accounts thereof, nor perform any other executive duty whatsoever. *Provided, however*, That all officers who, by force of any ordinance, may have charge or authority in the assessment or collection of taxes, or the appropriation or disbursement of moneys, shall be elected by the popular vote on the first Tuesday of May of each year.

SECT. 51. If any Councilman, Guardian of the Poor, member of the Board of Health, Controller or Director of the Public Schools, or Warden or Inspector of the Prison, or any other member or officer, or agent, of the said City Corporation, or of any Corporation or Department, by this act recognized, or Clerk therein, shall at any time be directly or indirectly interested in any sale to, or contract for supplies to be furnished to said City, or to any Corporation or Department, by this act recognized, or placed under the supervision of Councils, of which he shall be a member, or officer, or agent, or clerk, or shall receive any gratuity, money or property whatsoever, by reason of such sale or contract, or shall take any fee beyond that prescribed by law, he, if a Councilman, or elective officer, or offi-

Cor appointed by Court, shall be impeached in manner hereinbefore provided, and if found guilty shall forfeit his seat; and if any officer or clerk employed by Councils, shall be removed from his office, or appointment; and any vendor or contractor participating in such act, shall be liable of recovering any demand thus incurred by fraud, and all such offenders shall be deemed guilty of a misdemeanor, and upon conviction of such offence, in the Court of Quarter Sessions, for said City and County, shall be fined and imprisoned at the discretion of said Court.

SECT. 52. The meetings of the said City Councils, and all Corporations and Boards, authorized or recognized as existing under this act, except the Board of Health and Board of Inspectors of County Prison, shall be held times open and accessible to all citizens, deponing themselves with order and decorum.

SECT. 53. Nothing in this act shall be construed as to relieve the said city of Philadelphia, as hereby extended, from any engagements or contracts heretofore made by the City Councils heretofore, and by the Capital Stock of any railroad company, under the laws of this Commonwealth, and all such engagements or contracts, shall be deemed to be binding upon and carried out by said City, Municipalities, and Districts respectively, until this act shall go into effect; and thereafter, until this act shall go into effect, and thereupon, upon the performance of the conditions if any required by such ordinance or ordinance. And nothing in this act shall be construed as to interfere, in any manner, with any laws authorizing subscribers to any Railroad Company, passed prior to this act.