

**PHILADELPHIA CONSOLIDATION ACT**  
**Act of Feb. 2, 1854, P.L. 21, No. 16**  
A FURTHER SUPPLEMENT

Cl. 11

To an act, entitled "An act to incorporate the City of Philadelphia."

Section 1. Name and boundaries

The corporate name of the Mayor, Aldermen and Citizens of Philadelphia shall be changed to "The City of Philadelphia," and the boundaries of the said city shall be extended so as to embrace the whole of the territory of the County of Philadelphia, and all the powers of the said corporation, as enlarged and modified by this act, shall be exercised and have effect within the said county and over the inhabitants thereof. 1854, Feb. 2, P.L. 21, sec. 1.

Section 5. Organization

The members of the select and common councils shall meet at the city hall in said city, and shall then and there organize in separate chambers; the members of each council shall each be sworn or affirmed to support the Constitution of the United States and of the Commonwealth of Pennsylvania, and that they will discharge the duties of their office with fidelity; each council shall elect a president and such other officers as may be deemed necessary for the transaction of business, and shall keep a journal of its proceedings, which shall at all times be open to public inspection. 1854, Feb. 2, P.L. 21, sec. 5.

Section 6. Powers, rights and privileges vested in city

Upon the first organization of the councils provided for in the preceding section, the City of Philadelphia, as established by this act, shall be vested with all the powers, rights, privileges and immunities incident to a municipal corporation, and necessary for the proper government of the same, and those of the present corporation of the Mayor, Aldermen, and Citizens of Philadelphia; and upon the said organization of councils, and upon proclamation made by the Mayor by direction of the said city councils, fixing a day therefor not exceeding sixty days after the first Tuesday in July then next, all the powers, rights, privileges and immunities possessed and enjoyed by the following corporations respectively, and of all officers under Them, to wit: the commissioners and inhabitants of the District of Southwark; the commissioners and inhabitants of the incorporated District of the Northern Liberties; the commissioners and inhabitants of the Kensington District; the commissioners and inhabitants of the District of Spring Garden; the commissioners and inhabitants of the District of Moyamensing; the commissioners and inhabitants of the District of Penn; the commissioners and inhabitants of the District of Richmond, in the County of Philadelphia, and of the Districts of West Philadelphia and Belmont, of the Boroughs of Manayunk, Germantown, Grankford, Whitehall, Bridesburg and Aramingo, and of the Townships of Passyunk, Kingseesing, Blockley, Roxborough, Germantown, Bristol, Oxford, Lower Dublin, Moreland, Byberry,

Northern Liberties, Delaware and Penn; also of the board of police and of the police district; the present Mayor and Councilmen of the City of Philadelphia; the Commissioners of the County of Philadelphia; the treasurer and auditors thereof; the county board; the commissioners of the sinking fund, and supervisors of townships, shall cease and terminate, except so much thereof as may be necessary to enable the City of Philadelphia, as established by this act, to collect the outstanding debts, and make a full and complete settlement thereof. 1854, Feb. 2, P.L. 21, sec. 6.

Section 10. City treasurer; election; bond; oath

The qualified voters of the said city shall, on the first tuesday in may, one thousand eight hundred and fifty-five, and until such election the present city treasurer shall continue to be the city treasurer, and on the first Tuesday in May in every second year thereafter, elect a city treasurer to serve for two years from the first Monday of July next succeeding such election. He shall give bond to the city conditioned for the faithful performance of his duty, in such amount as the city councils shall direct, and shall, before he enters upon his office, take and subscribe an oath or affirmation, honestly to keep an account for all public monies and property entrusted to his care, and if such treasurer shall knowingly violate said oath, he shall be deemed guilty of perjury, and on conviction thereof in the proper court, be sentenced to undergo solitary imprisonment at hard labor in the eastern penitentiary, for the term of not less than one or more than ten years. Any vacancy in said office shall be filled by the city councils, by viva voce vote in joint meeting. No money shall be drawn from the treasury of the city, except the same shall have been previously appropriated by councils to the purpose for which it is drawn; the accounts to be kept by the said city treasurer shall exhibit all the receipts and all the expenditures of the city in an intelligible manner, in the form of accounts current, in which the particulars of each item of charge and discharge shall fully and precisely appear. Any citizen may, on the payment of a fee of twelve-and-a-half cents, to be paid to the said city treasurer for the use of the city, inspect the said accounts, and for a further fee of fifty cents and one cent per line of ten words, to be paid for the use of the city, the treasurer shall, on request of any citizen, furnish a transcript of any part thereof. It shall be the duty of the councils of the said city to provide, and said treasurer to pay, on or before the twenty-fifth day of July, eighteen hundred and fifty-six, and in each year thereafter into the Treasury of the State, the amount of the state tax assessed within the limits of the said city, deducting all allowances made by law, and said treasurer elected as aforesaid shall, before he enters upon the office, give bond with sureties, to be approved by the judges of the Court of Common Pleas of Philadelphia County, in such sum as they shall direct, conditioned for the safe keeping of and accounting for all monies received by him for the use of the State; the said treasurer shall keep the public monies in such place and manner as the city councils shall direct, and shall verify his cash account at least once every week, to the satisfaction of a

standing committee of councils, and upon the affidavit of a majority of such committee of any default therein, the said treasurer shall be suspended from office until the further action of councils, and the court of Common Pleas of Philadelphia County shall, upon said affidavit and cause shown, forthwith issue a writ of sequestration to the sheriff of the county against such defaulter for the amount of such default, to be levied of all his property, estate and effects in favor of said city, which writ shall be a lien thereon from the issuing thereof, with a clause of attachment contained therein, directing the sheriff to arrest the body of such defaulter to answer the said charge on the day certain, on which day the said court shall inquire of the premises and enter judgment thereon as may be just, or in their discretion award an issue to try the disputed facts, and if the said court upon such hearing, shall be satisfied that there is probable cause to believe that such treasurer has committed the crime of perjury, as mentioned in this section, it shall be their duty to commit him for trial at the next court of quarter sessions of said county. 1854, Feb. 2, P.L. 21, sec. 10.

#### Section 11. Powers and duties of receiver

The qualified voters of the said city, shall elect one person, who shall be denominated receiver of taxes, to serve for four years. He shall give bond and be sworn or affirmed to perform his duty in like manner as the city treasurer. He shall collect and receive all taxes and public assessments payable and receivable within the limits of the said city, and for that purpose shall have and exercise all the powers conferred by law in that behalf and shall have the assistance of the necessary clerks, to afford proper facilities to all citizens to pay their taxes at all business hours of the day. It shall be the duty of the city commissioners to place the duplicates of taxes in the possession of the said receiver of taxes as early as practicable, in the year for which the taxes shall be assessed. The said receiver shall immediately after the first day of December, annually give public notice in at least four of the public newspapers of said city for ten days, to all persons who shall have omitted to pay their taxes, or pay them before the first day of January, and that if not paid by that time a warrant will issue to collect the same: Provided, that if any person against whom such taxes shall have been assessed shall make affidavit that he did not own the premises, for which such taxes were assessed, at the time they accrued and became a lien thereon, the said taxes shall be collected of the true owner thereof, or by proceedings to sell the premises by execution. And the said receiver of taxes shall furnish certificates of all taxes and claims which are a lien on real estate, and receive therefor twenty-five cents for each certificate, and five cents for each lien and claim certified. 1854, Feb. 2, P.L. 21, sec. 11.

#### Section 12. City controller; election; oath; duties

The qualified voters of said city shall elect a city controller, to serve for the term of two years, from the first Monday of July next succeeding his election. He shall, before entering upon his office, take and subscribe an oath or

affirmation faithfully to discharge the duties thereof; and if he shall knowingly violate said oath or affirmation he shall be subject to the same penalty as is provided by the tenth section of this act in regard to the City Treasurer. He shall countersign all warrants on the City treasurer and shall not suffer any appropriation made by the City Councils to be overdrawn, and shall perform all the duties now enjoined by law on the County Auditors. He shall superintend the fiscal concerns of the city in such manner, and make reports thereon at such times, as shall be prescribed by ordinance. 1854, Feb. 2, P.L. 21, sec. 12.

Section 28. General powers given to councils by consolidation act over wharves, etc.

It shall be the duty of the said councils after the requisite surveys and soundings shall have been made, to fix the lines, beyond which no wharf or pier shall be constructed, and to keep the navigable waters within said city forever open and free from obstructions. The city councils shall authorize the construction of wharves upon a plan and scale to meet the demands of commerce, keep the same, and the avenues leading thereto open and free from obstructions. 1854, Feb. 2, P.L. 21, sec. 28.

Section 37. Rights of former municipalities in public property vested in city

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 to all goods, chattels, moneys, effects, debts, dues, demands, amercements, 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 estates 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 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. 1854, Feb. 2, P.L. 21, sec. 37.

Section 39. Fiscal year; estimates to be furnished council; levy and collection of taxes; taxation of rural property., borrowing money; public squares

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 prison, 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 almshouse 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 of 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 so discriminate, in laying said city taxes, as not to impose upon the rural portions, these 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 purposes 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 meetings 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. 1854, Feb. 2, P.L. 21, sec. 39.

Section 40. Paving of streets and foot ways; laying of water pipes; liens

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 practiced and allowed by law. 1854, Feb. 2, P.L. 21, sec. 40.

Section 48. No person to be on more than one board; officer of board as member of board; competency of controller as school director

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. 1854, Feb. 2, P.L. 21, sec. 48.

Section 52. Board meetings to be open

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 the county prison, shall be at all times open and accessible to all citizens deporting themselves with order and decorum. 1854, Feb. 2, P. L. 21, sec. 52.