

Pennsylvania, LAWS, STATUTES, ETC.

L A W S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

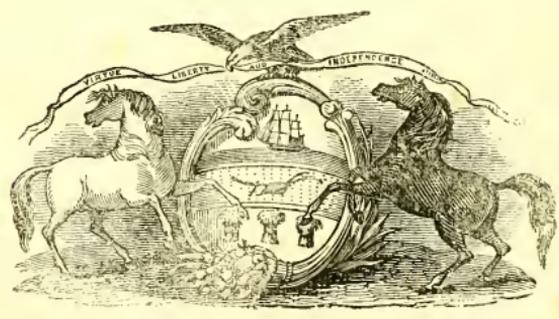
PASSED AT THE

SESSION OF 1851,

IN THE

SEVENTY-FIFTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:

THEO. FENN & CO., PRINTERS TO THE STATE.

1851.

to exceed the sum of thirty thousand dollars: *Provided*, That such payment as aforesaid shall be in full of all claims of such volunteers, their widows or heirs, as the case may be, arising under the sixty-second and sixty-third sections of the act approved April second, one thousand eight hundred and twenty-two aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 206.

A N A C T

To regulate certain election districts, defining the duties of the street commissioners of New Brighton, Beaver county, providing for the widening of Broad street, relative to the election of cashiers and solicitors of banks in Philadelphia county, authorizing the corporation of the city of Philadelphia to lay gas pipes through public highways, changing the name of Charles Orrick Barton Campbell to that of Charles Barton Campbell, and incorporating the Germantown Water Compony.

SECTION 1. *Be it 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 hereafter the elections held in the district of Southwark, in the county of Philadelphia, on the second Tuesday of October in each and every year, in the Commissioners Hall of said district on Second street, shall be held on the second Tuesday of October in each and every year, in the respective wards at the places where ward elections are now or may hereafter be held.

Elections in the district of Southwark.

SECTION 2. That the judges, inspectors, and clerks of the several wards of such elections shall meet together at the Commissioners Hall in said district, on the second day after any such election, and then and there add together the number of votes given for each person voted for, and make out the returns, and appoint one of their number a return judge, in the manner now prescribed by the laws of this Commonwealth.

Duties of judges and clerks.

SECTION 3. That so much of any law or laws of this Commonwealth as conflicts with this act, be, and the same are hereby repealed.

Repeal.

SECTION 4. That hereafter, the qualified voters of Young township, Jefferson county, shall hold their general township elections at the house of Daniel Graffius, in said township; and the township elections in said township shall hereafter be held on the first Friday in February.

Young township, Jefferson county.

Carbondale turnpike, Luzerne county. SECTION 5. That on and after the passage of this act, the qualified electors of the township of Carbondale, in the county of Luzerne, shall hold their general and township elections at the public house now occupied by William W. Bronson, in said township.

Hopewell township, Huntingdon county. SECTION 6. That hereafter the qualified electors of Hopewell township, in Huntingdon county, shall hold their spring and general elections at the public school house at Rough and Ready Furnace, in said township.

Perry township, Luzerne county. SECTION 7. That the qualified voters of Perry township, Lawrence county, shall hold their general and township elections at the house of James Stewart, in said township.

SECTION 8. That the qualified electors of the borough of Bethany, and the township of Dyberry, Wayne county, hereafter shall hold their general and other elections at the district school house in the said borough.

Palmyra township, Wayne county. SECTION 9. That the qualified electors of the township of Palmyra hereafter shall hold their general and township elections at the house of Jacob S. Sandt, in said township, Wayne county.

Sandy Creek township, Venango county. SECTION 10. That from and after the passage of this act, the qualified electors of the township of Sandy Creek, Venango county, shall hold their general election at the house of Ellis Hughs, in said township.

Township auditors, McKean county. SECTION 11. That from and after the passage of this act, the township auditors in M'Kean county shall meet on the second Monday after their township elections in each year.

Street Commissioners of New Brighton, Beaver county. SECTION 12. That from and after the passage of this act, the duties which have heretofore devolved upon and been performed by the supervisors of the borough of New Brighton, Beaver county, shall hereafter be performed by the street commissioners of said borough, under the same rules and regulations heretofore governing the said supervisor; and any law inconsistent with this section is hereby repealed.

Broad Street, Philadelphia county. SECTION 13. That upon a full and sufficient release and quit claim for damages being executed to the county of Philadelphia, by four-fifths of the owners of property on Broad street from Camac street, the point to which the same is now graded, to its intersection with the Philadelphia and Germantown Railroad, in Penn township, in said county, of so much of their lands on each side of said street as shall be necessary and requisite to open the same to the width of eighty feet, that thereupon the commissioners of the county of Philadelphia aforesaid be, and they are hereby authorized, empowered, and directed forthwith to cause the said street, within the limits aforesaid, to be cut down and graded to the width of eighty feet as aforesaid, and to widen to the proper width the culverts across the said street to the full width of one hundred and thirteen feet, in conformity to the general plan and survey, and to a regulation of ascents, descents, and water courses which Henry Haines, Esquire, surveyor and regulator in said township, is hereby authorized to fix and establish.

Damages, how adjusted.

SECTION 14. That it shall be the duty of the Court of Quarter Sessions of the county of Philadelphia, upon being petitioned for the purpose, to forthwith cause a jury of six persons to be drawn from the general panel of road juries for the term of said court at which the said petition shall be presented (neither of whom shall be the owner of any real estate fronting the said Broad street, within the limits aforesaid), who, upon being notified in such way as is usual in like cases of the time and place of meeting, shall without delay, after being duly sworn and affirmed to discharge the duties imposed upon them by this act with fidelity and impartiality, proceed to enquire and assess the

damages, if any, that any owner or owners of property along the said Broad street within the limits aforesaid, who shall not have released the same as provided for in the first section of this act, shall or may sustain by reason of the same being taken, used, and appropriated for the purpose aforesaid, duly regarding the advantages which may accrue to the said owner or owners by reason of the opening and grading of the said Broad street as aforesaid; and the said jury shall make a true return thereof to the said court, to be entered among the records thereof; and the finding and award of the said jury, or a majority of them, shall, upon being confirmed by the court in such manner as is usual in like cases, be final and conclusive to all parties: *Provided*, That no damages shall be paid to the owners of property for the opening of said Broad street by the county of Philadelphia.

SECTION 15. That from and after the passage of this act, the cashiers and solicitors in the several banks in the county of Philadelphia shall be elected annually by the directors of said banks at the same time and in the same manner that the residents thereof are now elected; and no person shall be eligible as solicitor of any bank in the county of Philadelphia of which he may at the time be a director, nor shall any person be eligible as director of any bank in the county of Philadelphia who shall not have been a stockholder thereof at least three calendar months before the time of his election.

Election of cashiers and solicitors of banks in Philadelphia county.

SECTION 16. That from and after the passing of this act, it shall be lawful for the mayor, aldermen, and citizens of Philadelphia, to make use of any of the public highways, streets, and roads in the county of Philadelphia, for the purpose of laying down, re-laying, and repairing, conduit pipes for the transmission of gas from any works they may erect beyond the limits of said city, for the manufacture and storage of gas for the use of the citizens of said city, and which may be deemed by the said corporation necessary for connecting such works with the conduit pipes and works situated within the limits of said city; and also for the purpose of repairing or detaching said pipes, or connecting therewith such branches, stops, or other devices, as may be deemed by them necessary or proper to perfect and protect the transmission of gas as aforesaid: *Provided*, That the laying, re-laying, repairing, detaching, and all other matters and things done to or about said conduit pipes, and the stops, branches, and other devices connected therewith, shall be done in such manner as not to obstruct the passage of such highways, streets, or roads; and that all damages or injury which may ensue to the said highways, streets, and roads, from the powers and privileges hereby granted, shall be repaired by the said corporation forthwith at its own proper costs, and that nothing herein contained shall be construed to permit said corporation to supply the citizens of any of the townships or districts through which such pipes may be laid with gas, unless by and with the consent of the constituted authorities of such township or district.

Relative to laying pipes, &c. in Philadelphia.

SECTION 17. That Charles Orrick Barton Campbell, of the county of Philadelphia, in the State of Pennsylvania, be, and hereby is authorized to change his name from Charles Orrick Barton Campbell to that of Charles Barton Campbell, and he shall henceforth be called and known by the name of Charles Barton Campbell, and by that name he shall be able and capable in law to sue and be sued, grant, receive, and inherit property, and to do all other legal acts and things as fully and effectually, to all intents and purposes, as he could have done under his former name.

Charles Orrick Barton Campbell, name changed.

SECTION 18. That George Hergeshimer, George W. Carpenter, F. W. Bockius, Joseph King, jr., Christopher Fallon, Joseph Handsberry,

Commissioners.

Name.

and Cephas G. Childs, be, and they are appointed commissioners, who, or a majority of them, are hereby authorized and empowered to carry into effect the establishment of a company to be called the Germantown Water Company, for the purpose of introducing into the borough of Germantown, in the county of Philadelphia, a sufficient supply of fresh and pure water for the inhabitants of said borough; and it shall be the duty of said commissioners, or a majority of them, to procure a book in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay the Germantown Water Company the sum of fifty dollars for every share of stock in said company set opposite to our names, in such manner and proportions as shall be determined on by the board of managers of said company. Witness our hands, the day of in the year of our Lord, one thousand eight hundred and fifty-one;" and the said commissioners, or a majority of them, shall fix on a time and place in said borough of Germantown for the opening of said book to receive subscriptions of stock to said company, and shall give notice thereof for at least one week previous, in a public newspaper published in said borough, at which time and place said commissioners, or some one of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age, either in their own names or in the names of others, where they shall be duly authorized to subscribe in said book for shares in said stock; and the said book shall be kept open for the purpose aforesaid for at least ten hours in each *judicial* day for the space of ten days, or until there shall been subscribed six hundred shares; and if at the expiration of ten days the book aforesaid shall not have thereon subscribed the number of shares aforesaid, the commissioners may adjourn from time to time and transfer the book elsewhere, and open other books of the same character, until the whole number of six hundred shares shall have been subscribed, and then the books shall be closed: *Provided*, That no subscription shall be valid unless the person so subscribing shall pay to the said commissioners or commissioner at the time of subscribing at least ten per cent. on the amount subscribed.

Powers of certain act extended to this company.

SECTION 19. That the said commissioners, or a majority of them, shall further have all the powers given to, and perform all the duties required of the commissioners named in an act entitled "An Act to incorporate the Honesdale Water Company," passed the fourteenth day of March, one thousand eight hundred and fifty, as fully as if the third section and all the subsequent sections of the said act were hereby re-enacted, substituting the borough of Germantown and county of Philadelphia for the borough of Honesdale and county of Wayne, wherever the same are mentioned in said act. On receiving a certificate such as is provided for by the third section of the said act, the Governor shall by letters patent under his hand and the seal of the Commonwealth, erect and create the subscribers into a body politic and corporate in deed and in law, by the name, style, and title, of "The Germantown Water Company," and by that name the subscribers shall have perpetual succession, with all the privileges, franchises, and immunities incident to a corporation, and be able to sue and be sued, to plead and be impleaded, in all courts of record and elsewhere, and shall also have, possess, and enjoy all other the rights, powers, and privileges given to the Honesdale Water Company in and by the said act of Assembly: *Provided however*, That the said "The Germantown Water Company," shall also be limited and subject to all the several limits and restrictions in said act mentioned, and that the borough of Germantown shall have the same power to purchase the works and franchises of said company

as in and by the said act are given to the borough of Honesdale aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 207.

A N A C T

To change the name of Thomas Orrin Nutting to Thomas Xerxes, and relative to the Buck Mountain Coal Company.

SECTION 1. *Be it 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* Thomas Orrin Nutting, name changed. from and after the passage of this act Thomas Orrin Nutting, of the borough of Honesdale, in Wayne county, shall be called and known by the name of Thomas Xerxes, and by that name shall be capable of suing and being sued, of taking any real or personal estate by descent, devise, or purchase, and of granting or devising the same in the manner as if he had always been known by the name of Thomas Xerxes.

SECTION 2. That the time fixed for the payment of the first annual instalment of the tax of one per cent. on the capital stock paid in of Buck Mountain Coal Company. the Buck Mountain Coal Company, provided for in the act extending the charter of the said company, approved the twelfth day of February, A. D., one thousand eight hundred and fifty, and the sixth section of the act for the relief of Barbara Patrick, widow of Robert Patrick, a soldier of the Revolutionary war, and to incorporate the Conemaugh and Indiana Plank Road Company, and for other purposes, approved May sixth, one thousand eight hundred and fifty, be, and the same is hereby extended to the first day of January, A. D., one thousand eight hundred and fifty-two.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.