

works, as part of the capital stock of said company, but in such case, such subscription shall not be considered as forming any portion of the seventy shares, the subscription of which is necessary for the procuring of said charter.

SECTION 22. That the said company shall pay a tax of Tax. eight per cent. on all dividends of the profits thereof exceeding six per cent. into the treasury of the commonwealth.

SECTION 23. This act shall remain in force, until the first day of July, eighteen hundred and fifty, and no longer. When charter expires.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

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No. 190.

An Act

To authorize suit to be brought upon the official bond of William B. Mitchell, late superintendent.

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 every person or persons who may have been aggrieved by the failure of William B. Mitchell, superintendent of the Columbia railroad, to pay him, or them, any sum or sums due by the commonwealth to such person, shall and hereby is authorized to bring suit upon the official bond of the commonwealth, of the said William B. Mitchell, and his sureties, in the same manner as suits are brought upon the bonds of administrators, in which the like proceedings shall be had, to secure to each person aggrieved, the recovery of his claim; and all the rights and interests of the commonwealth in the said bond, are hereby transferred to such person or persons, for the purpose aforesaid, and the amount of the said bond, should it be decided that the obligors are liable thereon, shall be insufficient to pay such persons, the same shall be divided among such persons,

Manner of bringing suit, and against whom.
Right of commonwealth transferred.

according to the amount of the claims, which such persons shall establish to the satisfaction of the court, according to equity and justice.

Certified copy of bond, evidence.

SECTION 2. A copy of said bond, duly certified by the Secretary of the Commonwealth, under his seal of office, shall be admitted as legal evidence in any suit or suits that shall be brought thereon.

Certain land adjoining Pittsburg made a city district.

Boundaries and description.

SECTION 3. That a tract of land, adjoining to and bounded in part by the eastern bounds of the city of Pittsburg, shall be set off, defined by limits, and surveyed, in the manner and for the purposes hereinafter specified, as a city district, for the said city, the boundaries and description whereof shall be as follows: Beginning at the south eastern corner of the said city, in the Monongahela river, thence by the middle of the said river, to a point opposite to the mouth of the two mile run, thence by a straight line, carried over the mouth of the said run, and over the house of William Farrow, to the intersection of the straight line, with the southern boundary line continued, of the borough of the Northern Liberties, thence by the said southern boundary line, to the eastern boundary line of the said city, and thence by the same to the place of beginning; and the said city district, so set off and defined, shall be subdivided into sections, in the manner hereinafter prescribed, subject to the following limitations, viz: No section shall contain more than sixty, or less than thirty acres, and the boundary lines of each shall be made to conform, when such conformity can be conveniently obtained, with the lines or streets bounding or laid out through the property of individual owners, nor shall any section be made to be partly on one side, and partly on the other side of the Farmers and Mechanic's turnpike road, or of the Pittsburg and Coal Hill turnpike, as the same are now located through the said city district.

Subdivided into sections.

Sections—how laid out.

SECTION 4. The court of Quarter Sessions of the county of Allegheny, be, and they are hereby authorized and required, at any time before the first day of June next, to order and appoint three discreet and disinterested freeholders, as commissioners for the said city district, none of whom shall reside or own real estate in the same, who shall take and subscribe an oath or affirmation, before one of the judges of the said court, or any alderman of the said city, well and faithfully to perform the duties required by this act, to the best of their abilities, without favor or partiality; and in case of the death, resignation, or inability to act, of any of the commissioners appointed as aforesaid, before the intended purposes of this act shall have been fulfilled, it shall be lawful for the said court to appoint another, or other persons, to supply his, or their places, who, being qualified as aforesaid, shall have the same power as the commissioners appointed in the first instance, by the said court.

Court to appoint commissioners to perform duties enjoined in this act.

Vacancies—how filled.

SECTION 5. The said commissioners, appointed and qualified as aforesaid, shall proceed, taking to their assistance an able and competent surveyor, to survey and mark out by its limits, the said city district, and to make a subdivision of the same into sections, according to the boundaries, description, direction, and restrictions herein before specified and contained, and the said commissioners shall have power, and they are hereby directed and required, to make and lay out a general plan of the said district, to survey, locate and mark therein such streets, alleys and squares as they shall think proper, giving to the same such arrangement and dimensions as shall, in their judgment, be best calculated to meet the wants and convenience of any future population, and the said commissioners shall cause to be erected, or inserted at suitable points within the said district, land marks, of durable materials, from which the boundary lines of the said district, sections, streets, alleys, and squares; contained in the said general plan, may at any time be retraced and determined, securing the same, as far as may be, from injury or displacement: *Provided nevertheless*, that all streets, lanes and alleys within the said district, which shall have been, previous to the making of the said plan, laid out, and appropriated by private persons, or otherwise for public use, or for the use of the owners of lots fronting thereon, or adjacent thereto, shall be adopted, inserted in, and made part of the said general plan, with such increase of width and extension, as the said commissioners may think, in any case, necessary and expedient.

SECTION 6. The said commissioners, when they shall have completed their surveys, and shall have determined the limits and location of the said sections, streets, alleys, and squares, to be contained in the said general plan, shall cause to be made a correct map or plan of the same, with such description and explanations as may be necessary to a perfect understanding of the same, and shall return it to the court of Quarter Sessions aforesaid, and it shall be the duty of the clerk of the said court, to receive and file the said map or plan in his office, for public inspection and examination, and to give notice, in at least two newspapers, published in the city of Pittsburg, that on a certain day appointed by the court, the said court will hear any objections which may be made thereto, by any of the freeholders owning property in the said district, who shall consider themselves aggrieved by the adoption of the same, and the said court, after hearing the objections, shall adjudge and determine whether the same shall be fully established, or whether any, and what alterations shall be made in the same, and after such determination, shall direct the said map or plan, with such alterations as shall have been made, to be recorded, and thenceforth, the said map or plan shall be taken and

Commiss'rs.
to appoint
surveyor.

Plan of dis-
trict to be
made.

Land marks
to be erected.

That Proviso re-
specting
streets, lanes
and alleys
already laid
out.

Map or plan
to be filed in
office of clerk
of Quarter
Sessions.

Time to be
appointed to
hear objec-
tions.

Court to de-
termine
whether re-
port shall be
established.

allowed as a general plan for the said district, for the purposes herein contained, and the streets, lanes and alleys so approved, shall forever after be deemed, adjudged, and taken as public highways: *Provided nevertheless*, That the opening of the same as part of the said general plan, shall not be ordered, before the provisions and conditions hereinafter mentioned, shall have been complied with.

SECTION 7. The commissioners of the county of Allegheny, be, and they are hereby authorized and required, to pay out of the county treasury, to each of the commissioners appointed in pursuance of this act, the sum of one dollar and fifty cents for each and every day they shall have been employed in performing the duties required by this act, and also, their reasonable costs and charges in procuring the surveys, maps, plans and erections hereinbefore directed, and the said county commissioners, are hereby empowered to cause to be levied and collected on the real property situated within the city district aforesaid, a special tax, sufficient in amount to reimburse the sums which shall have been paid in pursuance of the directions herein contained, and also, all charges incurred in assessing and collecting the same, and the said special tax shall be assessed and collected according to the directions and provisions of the several acts for raising and collecting county rates and levies.

SECTION 8. The select and common councils of the city of Pittsburg, shall have power, and by virtue of this act, are directed and required, on the petition of any number, being not less than thirty, of the freehold owners of lots lying within the limits of any section of the said city district, and adjoining the then limits of the said city, to declare, by ordinance, the admission of the said section into the said city, and the said section shall forever thereafter, be deemed, taken, and allowed to be a part of the said city, to all intent and purposes, and subject to the jurisdiction and governments of the municipal authorities of the said city, as fully as if it had been originally made a part of and included within the same; and the streets, lanes and alleys contained in the aforesaid general plan, so far as the same be within the limits of the section so admitted, shall be opened for the same uses, and subject to the same laws and regulations, and exercise of powers, as the other public streets within the said city: *Provided nevertheless*, That the owner or owners of ground through which any street, lane, or alley, not previously laid out by such owner or owners, shall be opened, may proceed in the same manner, to obtain indemnification for any injury he or they may sustain thereby, as is directed by the several acts in force, and providing for the opening of public roads in this commonwealth.

Proviso.

Pay of commissioners.

Costs of expenses of maps, surveys, &c. to be paid.

Special tax to be levied on said district to pay expenses.

On application of thirty freeholders, councils to receive adjoining sections into city.

Received district subject to city authorities.

Proviso as to damages.

SECTION 9. All streets, lanes and alleys within the city of ^{Private} Pittsburg, if not less than twenty feet in width, which have ^{streets, lanes,} been laid out, appropriated and opened by private persons, ^{£c. of 20 ft.} for public use, or for the use of the owners of lots fronting ^{width, made} thereon, or which shall be, being of not less than twenty ^{public high-} feet in width, hereafter laid out, appropriated, and opened, ^{ways.} as aforesaid, shall for every purpose, be deemed, taken, and be public highways, as fully as the other public streets within the said city.

SECTION 10. The select and common councils of the city of ^{Councils em-} Pittsburg, aforesaid, when they shall consider that the opening ^{powered to} of any new street, lane, or alley within the said city, or that an ^{open or wi-} increase of width of any street, lane, or alley already laid ^{den streets.} out and opened, is necessary, for the use and convenience of the public, shall have power, and they are hereby authorized, thereupon, to direct and determine the location and limits of such street, lane, or alley, or the increase of width necessary in any case, as aforesaid, and a plan of specifica- ^{Plan to be} tion of such location, or determination of increase of width, ^{filed for pub-} shall be made and deposited in the office of the recording ^{lic inspection} regulator of the said city, for public examination and inspection, whereof notice shall be given in at least two newspapers, ^{Notice to be} published in the said city; and any owner or owners of ^{given.} ground lying on the line of such street, lane, or alley, who shall consider that he, she or they, shall suffer damage from the opening or widening of the same, may apply, by petition, ^{Proceeding} to the next court of Quarter Sessions of the county of ^{of court on} Allegheny, by whom such orders and appointments shall be ^{petition of} made, and the same proceedings, in every respect, shall be ^{persons ag-} had for the view, appraisal of damages, the report thereof, ^{grieved.} and confirmation of the same, as are directed by the provisions of the general road laws of this commonwealth; and the ^{When dama-} said councils, so soon as they shall have caused payment of ^{ges are paid,} damages assessed, to be made to the persons entitled to receive ^{streets, &c.} the same, according to the report of the viewers returned ^{to be opened.} to the said court, and confirmed by the same, may proceed to cause such street, lane, or alley, to be opened forthwith, and the same shall forever thereafter, be taken and allowed to be a public highway, for the same uses and purposes as the other streets, lanes and alleys, within the said city; ^{Provided} *nevertheless*, That if the damages ascertained in the manner ^{Proviso.} aforesaid, shall not have been paid within one year from the time of the confirmation of the report of the same, then the proceedings had in pursuance of the provisions of this section, shall thereafter be held null and void.

SECTION 11. The select and common councils of the city ^{City of Pitts-} of Pittsburg aforesaid, shall, during the present year, and ^{burg to be di-} in each and every year thereafter, divide the said city into four ^{vided into} four wards.

Proviso.

wards or districts, so as to make the number of the taxable inhabitants of the said wards as nearly equal as may be: *Provided nevertheless*, That the said division shall be made at least thirty days before the times appointed for holding the city elections for the said city.

Disposition of sections not received into city.

SECTION 12. Such sections of the city district aforesaid, as shall not have been admitted into the said city agreeably to the provisions of this act, shall, until such admission shall have been declared, be deemed and taken as parts of the district and township to which the same belong and are annexed, or shall hereafter belong and be annexed.

Repeal.

SECTION 13. So much of any law or laws of this commonwealth, as is hereby altered or supplied, is hereby repealed, and no more.

Peter Dreher, guardian of certain minors, authorized to sell certain lands in Schuylkill and Dauphin counties.

SECTION 14. That it shall and may be lawful for Peter Dreher, of Schuylkill county, guardian of Daniel Dreher, Rebecca Dreher, Lucy Ann Dreher, and Maria Dreher, and Benneville Dreher, all minor children of Philip Dreher, senior, to sell and convey, by sufficient deeds and assurances in the law, all the right, title, interest and claim of said minor children, of, in and to a certain tract of land, situate in Lower Mahantongo township, Schuylkill county, and in Lykens township, Dauphin county, being the interest of the said minors in the undivided moiety of the tract of land, situate as aforesaid, which was purchased by Daniel Dreher, one of the executors of Peter Dreher, deceased: *Provided*, The said Peter Dreher, shall invest the monies arising from the sale of the interest of said minors, in the purchase of other lands in Schuylkill county.

Proviso

Snow-shoe and Packersville turnpike road.

SECTION 15. That it shall and may be lawful for the president, managers and company of the Snow-Shoe and Packersville turnpike road, to connect the eastern end of their road with the Bellefont and Philipsburg turnpike, at any point they may consider most advantageous to the interests of said company.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.