

cent. on the whole amount of dividends declared by them during the preceding year.

LEWIS DEWART,  
Speaker of the House of Representatives.

J. R. BURDEN,  
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and thirty-seven.

JOS: RITNER.



No. 63.

An Act

Relating to the Borough of Uniontown, Fayette county, and for other purposes.

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 any person shall be a competent witness in any suit or action, or other legal proceeding, wherein the borough of Uniontown, in the county of Fayette, is a party, notwithstanding such person is liable to pay taxes in said borough, if in other respects the said person is a competent witness. Who may be witnesses in the borough of Uniontown, Fayette co., is a party.

SECTION 2. The mayor, aldermen, and citizens of Lancaster, in select and common council assembled, in addition to the powers they already have, shall have full power and authority to lay, assess, levy and collect a tax, to be called "the water tax," which tax shall be laid and assessed upon and levied and collected in the manner that other taxes are laid, assessed, levied and collected, from all lots whereon any dwelling houses, ware-houses, stables, or any other improvements whatever, are now, or may hereafter be erected, situated along or within one square each way, on both sides of any street or streets through which pipes are, or hereafter may be laid, for conducting the water from the water works in the said city, for the use of the same: *Provided,* That the said tax shall not be as high by one half on property in the streets through which the pipes are not laid, as in those in which they are laid: *And provided,* That the said tax shall The corporation of Lancaster city, authorized to levy and collect a water tax, &c. Provido. 2d Proviso,

not exceed fifty cents in each hundred dollars of the valuation upon which the assessment of other taxes are or shall be made: *And provided also*, That the said tax shall be applied to the payment of the interest on the water loan, and to the reduction of the principal sum, in such manner as the said mayor, aldermen and citizens may direct.

3d Proviso. Relative to collecting the said water tax.

SECTION 3. In collecting the said water tax, the said mayor, aldermen and citizens, shall have full power and authority to authorize the collector of taxes of the city of Lancaster, to credit the water tax to be paid by any citizen or citizens, with such part of the amount that such citizen or citizens shall pay as water rents, for the use of the said water, as they, in select and common councils assembled, by general ordinance shall direct.

Comm'rs. of Susq'a. co., to purchase certain books for keeping the records of said county.

SECTION 4. From and after the passage of this act, the books necessary for keeping the records of the courts of Common Pleas, Oyer and Terminer, and General Quarter Sessions of the Peace, and all books necessary for keeping the records, in the office for recording of deeds of Susquehanna county, shall be purchased by the commissioner's of said county, and paid for by orders drawn by said commissioners on the county treasurer, in the usual manner.

Town council of the borough of Harrisburg, to be divided into three classes, &c.

SECTION 5. At the first meeting of the town council of the borough of Harrisburg, after the passage of this law, they shall be divided by lot, as equal as may be, into three classes, the term of service of the members of the town council of the first class shall be vacated at the expiration of the first year, those of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be elected annually, and so much of any act as is hereby altered or supplied, be, and the same is hereby repealed.

Aud. Gen. to prevent taking away of sand and gravel from public ground.

SECTION 6. After the passage of this act, no more earth, sand or gravel, shall be taken by the citizens of Harrisburg or others, from the public ground, and the Auditor General is hereby directed to prevent the same.

Town plot of Muncy extended.

SECTION 7. The town plot of the borough of Muncy be, and the same is hereby extended, by the following courses and distances, to wit: beginning at a corner of Ezekiel Walton's, and the heirs of William M'Carty, deceased, thence on the line of the same, south eighty-four and a half degrees east, twenty-two perches to a stone corner of Ezekiel Walton, thence by the line of John M'Carty north eighty-nine and three-fourth degrees east, nineteen and two-tenth perches to a corner of Charles Egens', thence by same north one degree west, fourteen and one-tenth perches to a corner of said Egens' and Robert Risk, thence north eighty-

nine and three-fourth degrees east, twenty-five and eight-tenth perches to the middle of the main street leading through said borough, thence on line of Robert Risk and William A. Petriken, south eighty-seven and a half degrees east, twenty-two perches to a corner of said Petriken, Risk, Isaac Walton, and George Roberts, thence on the line of said Roberts and Isaac Walton, north eighty and a half degrees east, twenty-nine and eight-tenth perches to a corner of Isaac Waltons' and Roberts, in line of land of William C. Ellis, thence on line of said Roberts and Ellis, south ten degrees east, forty-six perches, in the middle of the road leading to the Muncy mills, thence along the middle of the said road, south fifty-nine and a half degrees west, twenty-three and three-tenth perches to a corner of George Roberts, in the present borough line.

SECTION 8. The court of Quarter Sessions of the county of Philadelphia, shall appoint three suitable citizens, one from the district of Southwark, one from the township of Moyamensing, and the third from the township of Passyunk, whose duty it shall be to lay out a street through the said district and townships, extending from the river Delaware to the Schuylkill, of the width of one hundred and twenty feet, subject to such laws as are in similar cases made and provided: The said street shall be the southern boundary of the district of Southwark aforesaid, from the river Delaware to the western termination of a certain lane, called "Keeler's Lane:" *Provided*, That the said street shall run parallel to those already laid out, and that the southern line be not further south than the eastern termination of said Keeler's lane, or the northern line further north than the western termination of the same: *And also* provided, That before the opening of the same, the owners of the ground through which the same may pass, will release all claim for damages.

Street to be laid out through Southwark, Moyameng' and Passyunk.

Proviso.

2d Proviso.

SECTION 9. The court of General Quarter Sessions of the county of Philadelphia, be, and they are hereby authorized and empowered to confirm the Columbia Avenue, the width of one hundred feet, running from the river Delaware to the river Schuylkill, through the districts of Kensington and the unincorporated Penn township, as laid down in the plans, or revised plans, made by the Commissioners, to make a survey in the districts of Spring Garden, Northern Liberties and Kensington, and that the said court shall, on application to them made by any person or persons, suffer the same proceedings to be had respecting the assessment of damages, as is prescribed by the act of the thirteenth of June,

Columbia Avenue to be confirmed: the width of 100 feet, &c. in Phil'a. co.

Damages.

Anno Domini, eighteen hundred and thirty-six, relating to roads, highways and bridges.

WHEREAS, certain judgments were entered in the court Preamble re- of Common Pleas of Fayette county, viz: number forty-seven, lative to cer- number forty-eight, number forty-nine, number fifty, of tain judgm'ts June term, Anno Domini, eighteen hundred and thirty-four, in court of where in Basil Brownfield is plaintiff, and John F. Brad- Com. Pleas dee is defendant, which are alleged by the said defendant to of Fayette co. be paid and satisfied in full; *And whereas*, the said court of where in Basil Brownfield Common Pleas have refused to open said judgments upon is pl'ff. and J. the allegation; *And whereas*, the facts involved in said al- F. Braddee, legation, and set forth in the petition, on the oath of the is def't. the said defendant, on record in the said court of Common Pleas, are such as can only be determined by a jury of the country; Therefore,

Judgments to be opened and issue tri ed. SECTION 10. The court aforesaid shall order said judgments to be opened, and direct an issue to try the alleged fact of payment, before a jury of said county, in the same manner as causes are at law triable: *Provided nevertheless*, That the said judgments shall remain liens as security to the said plaintiff, for whatever sum should be found due to him, should he recover any thing thereon.

Stay of proceedings. SECTION 11. All orders or precepts of the court aforesaid, shall be stayed until the question of payment aforesaid, shall be determined by a jury, as aforesaid, and all sales, should any be made on the said judgments, of the real or personal estate of the said defendant, shall be void, until the facts alleged in the said petition of the said defendant, shall be tried by a jury, as aforesaid: *Provided*, That all expenses of said sale shall be defrayed by the said defendant; and should the said jury, on the question aforesaid, find for the said defendant, then such sales to be void and of no effect, but if the said jury should find otherwise, then the said sales to remain in full force and effect.

Proviso. SECTION 12. The Prothonotary of Fayette county is hereby authorized and directed to make a list of thirty-six reputable citizens of said county, or such other number as may be agreed upon by the parties, from which the parties, by themselves or counsel, shall strike one name alternately, beginning with the plaintiff, until there shall be left twelve persons, who shall try the issue aforesaid.

12 of whom to try the issue. SECTION 13. Should the judges of the court of Common Pleas of Fayette county decline, or refuse to try the issue Distc't. Judge of Pittsburgh authorized to hold spe'l. ct. under certain provisions, &c. aforesaid, the District judge of the city of Pittsburgh, in the county of Allegheny, be, and he is hereby authorized and empowered to hold a special court at Uniontown, in the county aforesaid, at such time as the said judge may order

and appoint: *Provided*, That the said court shall be holden *Proviso.* on or before the first day of January, eighteen hundred and thirty eight.

LEWIS DEWART,  
Speaker of the House of Representatives.

J. R. BURDEN,  
Speaker of the Senate.

APPROVED—The first day of April Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.



No. 64.

### An Act

To annul the marriage contract of Archibald Darragh and Cordelia his wife.

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 the marriage contract entered into by and between Archibald Darragh of the city of Pittsburg, and Cordelia his wife, be, and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually, and absolutely, as if they never had been joined in marriage.

LEWIS DEWART,  
Speaker of the House of Representatives.

J. R. BURDEN,  
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.