

## No. 96.

**An Act**

Granting certain powers to the Authorities of the cities of Lancaster and Philadelphia, 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 the street commissioner or supervisor of the city of Lancaster, shall immediately after the passage of this act, open or cause to be opened a public road, from the present termination of a public road leading from the village of Safe Harbour, on the Susquehanna river, to the boundary line of the city of Lancaster, of the same width as the former, to a street or lane in said city, running at right angles or perpendicular to the same, and known by the name of Love lane: *Provided,* The expense of constructing and keeping the same in repair shall be paid out of the county treasury.

Public road to be opened by the supervisor of the city of Lancaster, &c.

**SECTION 2.** That so much of the forty-seventh section of an act, passed the eighteenth day of February, one thousand seven hundred and sixty-nine, entitled An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, &c., in the city of Philadelphia, and for other purposes, as prohibits, under certain penalties, any sign, sign post, or other device (except in houses of public entertainment for man and horse) extending into the highway more than four and a half inches from any store or other place of business, in the said city of Philadelphia, be and the same is hereby repealed.

Repeal of law rel. to signs & sign-posts in Philadelphia.

**SECTION 3.** It shall and may be lawful for the select and common councils of the city of Philadelphia, from time to time, by ordinance, to make and establish such and so many rules and regulations as to them may seem expedient, for the better regulation of porches, porticoes, benches, door-steps, railings, bulk or jut windows, areas, cellar doors, and cellar windows, signs, sign posts, boards, poles or frames, awnings, awning posts or other device or thing, projecting over, under, into or otherwise occupying the side walks or other portion of any of the streets, lanes and alleys; and in relation to boxes, bales, barrels, hogsheads, crates, or other articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever, placed

Select and common councils of Phila. authorized to regulate porches, &c.

in or upon any of the said footways, side walks or other portion of the said streets or alleys, and for the better protection and regulation of markets, market stands, and market houses, and at the expense of the owner or owners of the property adjoining, to regulate, grade, pave and repave, curb and recurb the said footways or side walks, and the said ordinances, rules and regulations to execute, under the direction or superintendance of such person or persons as they may authorize or appoint, and the same to enforce by suitable penalties, which penalties and the expenses of paving and repaving, curbing and recurbing, as aforesaid, shall be recoverable before any alderman of said city, or before any court having jurisdiction, in the same manner that debts of like amount are by law recoverable. To grade, pave, &c.

SECTION 4. That so much of an act passed the eighteenth day of February, one thousand seven hundred and sixty-nine, and so much of any other act or acts as are altered or supplied by the preceding section, be and the same are hereby repealed. Repeal.

SECTION 5. That the mayor, aldermen and citizens of Philadelphia, be and they are hereby authorized to appropriate and pay the annual income of the fund bequeathed by John Bleakly, to the corporation of the city of Philadelphia; as a fund to relieve those who may be reduced to the necessity of being placed in the hospital, during the prevalence of yellow fever, to the managers of the Will's Hospital for the indigent blind and lame, to be used and applied in the same manner as the other funds devoted to that institution: *Provided*, That in case the said fund or the income arising therefrom, should at any time hereafter be required for the purposes specified in said bequest, then it shall be the duty of the said mayor, aldermen and citizens to apply the said fund, or the income for the year then present, or so much of either as in their opinion may be necessary, to those purposes, and to no other. Corporation of Philad'a authorized to pay annual income of J. Bleakly's bequest for the relief of the indigent blind & lame.

SECTION 6. That the name of the Wilkesbarre Academy shall be and hereby is changed, and that it shall hereafter be known and called by the name and style of the Wyoming Academy, and that this change in the name of the said corporation shall not in any way affect, impair or change the rights, duties, privileges, franchises, claims or liabilities of the same, or of the trustees thereof. Name of Wilkesbarre Academy changed to Wyoming Academy.

SECTION 7. That the present trustees of the Wilkesbarre Academy shall continue the trustees of said corporation, until the first Monday of June next, and until others shall be elected and qualified to supply their places, and that they shall transact the business of the corporation in the Present trustees continued until others are elected.

name of the president and trustees of the Wyoming Academy, and under that name may sue and be sued for all claims and demands in favor of or against the Wilkesbarre Academy.

**Funds to be divided into shares of \$5 each.** SECTION 8. That the sums hereafter paid by the respective subscribers to the funds of the said academy, shall be divided into shares of five dollars each, and, when any of the subscribers shall pay the amount of their respective subscriptions, they shall be entitled to receive from the treasurer, certificates for as many shares of stock in said academy as their respective subscriptions may amount to, which certificates shall be transferable according to the rules and regulations relating thereto, which may be adopted or hereafter prescribed by the trustees.

**Certificates transferable.**

**Annual election of trustees.** SECTION 9. On the first Monday of June next, and on the first Monday of every June thereafter, the aforesaid share or certificate holders may hold a meeting at any place in the borough of Wilkesbarre, to be previously designated by the trustees, and notice whereof and of the hour of meeting shall be given by the secretary in one or more newspapers printed in said borough; that at said meetings it shall be lawful for said share holders to elect, by ballot, thirteen trustees of said corporation, who shall hold the office one year from the date of their election, and until others shall be elected and qualified to supply their places, any seven of whom shall constitute a quorum for the transaction of business, and as often as any vacancy occurs in said board of trustees they may fill the same by the appointment of a new trustee, to hold his office until the next annual election.

**Quorum. Vacancies.**

**President, &c. to determine questions at elections. Proviso.** SECTION 10. That at said annual election the president of the institution shall preside, who, together with the secretary and one assistant, to be chosen by the voters present, shall determine all questions which may arise at said elections: *Provided*, That every citizen of the county of Luzerne, who may hold (at the time he claims the right of voting) one share of said stock in his own right, or in the right of his wife, & who may have so held the same for three months immediately preceding the election, shall be entitled to give one vote for trustees; those holding and having held, as aforesaid, four shares of said stock, shall be entitled to give two votes; those holding and having held, as aforesaid, eight shares shall be entitled to give three votes; and those holding and having held, as aforesaid, twelve shares, shall be entitled to give four votes at said elections, and no more.

**Ratio of votes.**

**Pa. College, &c. exempted from taxation.**

SECTION 11. The Pennsylvania College, Seminary and Gymnasium of Adams county, shall be exempt from county taxation, being still liable to state taxation.

SECTION 12. That it shall and may be lawful for the qualified voters of the borough of Columbia, in the county of Columbia Lancaster, at their next annual election for borough officers, authorized to elect, in the usual manner and as is now provided for by the act incorporating the said borough, nine qualified citizens as members of the town council, three of whom shall serve until the first Monday in January, one thousand eight hundred and forty-three, three until the first Monday in January, one thousand eight hundred and forty, and the remaining three until the first Monday in January, in the year one thousand eight hundred and forty-two, the time of service among whom shall be decided by lot, immediately after their election; and on the first Monday in January, one thousand eight hundred and forty, and annually thereafter, the qualified voters of the borough aforesaid, shall elect, by ballot, three citizens qualified as aforesaid, to serve as members of the said council for the term of three years, and until others are duly elected.

Borough of Columbia  
to elect nine  
members of  
council.

Term of  
service.

SECTION 13. That so much of the act incorporating the said borough, as is or may be inconsistent with the provisions of this act, be and the same is hereby repealed.

Repeal of  
part of act of  
incorporat'n.

SECTION 14. The citizens of the town of Berwick, Columbia county, qualified to vote for members of assembly, shall meet at the usual place of holding the general election in said town, on the third Friday of April, in the present year, and annually thereafter on the third Friday of March, and elect two qualified citizens of said town, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said town, in the same manner, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing or that may be hereafter passed, concerning constables in this commonwealth.

Berwick,  
Columbia co.  
authorized to  
elect a constable.

SECTION 15. That the citizens of said town, qualified as aforesaid, shall at the same time and place, elect one qualified citizen of said town as a supervisor of the streets and highways of said town, to have the same authority and be subject to the same laws and regulations which are provided for supervisors in the county of Columbia; and also at the same time and place, to elect three persons as auditors, to examine and settle the accounts of said supervisor, agreeably to the several acts of assembly made and provided for said purpose.

Berwick—  
Supervisors  
of streets.

SECTION 16. That from and after the passage of this act, the streets and alleys in the town of Berwick, shall and they are hereby declared to be public highways, and shall be

Streets and  
alleys to be  
public  
highways.

opened and improved as other highways in this commonwealth are opened and improved.

**Harrisburg boro', limits increased.**

**Boundaries of increased limits.**

**M'Claysb'rg included.**

**SECTION 17.** That from and after the passage of this act, the north western boundary line of the borough of Harrisburg, in the county of Dauphin, as incorporated by an act of the general assembly, entitled An act to erect the town of Harrisburg, in the county of Dauphin into a borough, passed the thirteenth day of April, one thousand seven hundred and ninety-one, and an act to alter an act entitled An act to erect the town of Harrisburg in the county of Dauphin into a borough, passed the first day of February, one thousand eight hundred and eight, shall be and the same is hereby extended and enlarged as follows, to wit: beginning at the south western corner of the present boundary line, on the Susquehanna river, thence, extending along the same at low water mark to the upper corner and line of the land of the late Mr. McClay on said river, in Susquehanna township, thence by a parallel line to Paxton creek, thence along said stream to the north western corner of the present boundary line of the said borough of Harrisburg, so as to include the whole village or town of McClaysburg within the limits of the aforesaid borough of Harrisburg, of which it is hereby made part and parcel, as fully and effectually as if the same had been originally included therein, for school and all other purposes whatsoever.

**M'Claysb'rg part of the north ward.**

**SECTION 18.** The inhabitants of all that portion of the town of McClaysburg, hereby annexed to the borough of Harrisburg, shall be and they are hereby entitled to the same rights, privileges, franchises and immunities as enjoyed, and shall be subject to the same liabilities incurred by the inhabitants residing within the bounds of said borough as originally incorporated, and for election, borough and all other purposes, shall form and compose a part of the north ward.

**Bradford co. certain lien laws extended to said county.**

**SECTION 19.** That from the passage hereof the act entitled An act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the city of Philadelphia, passed the seventeenth day of March, eighteen hundred and six, with its supplement, passed the twentieth day of March, eighteen hundred and eight, shall be and the same is hereby declared to be in full force and operation in the county of Bradford, and mechanics and others in said county shall have like remedy, under said acts, as though they were herein enacted at full length.

**SECTION 20.** It shall be the duty of the supervisors of the highways, in the county of Delaware, within ten days after their election, to proceed to lay the public roads in their

respective townships into sections, not exceeding one mile Delaware co. in length, which they shall number and describe in a book, supervisors to be kept by them for that purpose; and the said supervi- of highways sors shall, within two days thereafter, give at least ten days to lay roads notice, by at least six hand-bills put up in the most public into sections places in their respective townships, designating the time of one mile and place for the taxable inhabitants to meet, at which time for repair. and place it shall be the duty of the said supervisors to attend and let out on contract, to the lowest and best bidder, the said roads as described, into sections, one section at a time, until they are all disposed of, to be kept in repair for the term of one year; but if any section or sections should not be then let on account of no bid having been made for the same, the supervisors may afterwards let out such section or sections on private contract: *Provided*, That the said su- Proviso. perversors shall not be directly or indirectly interested in taking any section so let out as aforesaid.

SECTION 21. The said taxable inhabitant or inhabitants, so Persons tak- taking a section or sections as aforesaid, shall write their king sect'ns names, respectively, in the supervisor's book, opposite the for repair to section or sections they shall, respectively, agree to repair, write their together with the sum of money they are to have for the supvr's book. same.

SECTION 22. Should any of the said taxable inhabitants Penalty for of the said townships, neglect or refuse to keep in good re-neglecting pair the section or sections of road, so undertaken or con- to repair tracted for as aforesaid, upon complaint of any of the citi- sections of zens of the said township made to the supervisors thereof, it road. it shall be the duty of the supervisors, if they believe the complaint well founded, to give notice thereof to the party or parties complained of, and request him or them to put his or their portion of road in good repair, within six days thereafter, and if he or they shall still neglect or refuse to repair the same, then it shall be the duty of two of the auditors of the township, upon notice given them by the said supervisors, to examine the same, and if they shall be of opinion that said section or sections of road is not in good repair, they shall direct the supervisors to have the same put in good repair, and the cost of said repairs shall be recoverable by said supervisors, of said contractor or contractors, as other debts of equal amount are by law recoverable, with costs of suit.

SECTION 23. The supervisors of the several townships in Compensation said county shall be allowed such compensation for their ser- of supervis'rs. vices as the auditors of their respective townships shall deem just equitable.

Repeal, &c. SECTION 24. So much of the act of assembly, relative to roads and highways, as is inconsistent herewith is hereby repealed, so far as the same relates to the said county of Delaware.

J.R. Putherford, supt. to be credited with \$500 damages p'd by him to widow M'Quoide. SECTION 25. That the accountant officers be authorized to credit John P. Rutherford, late superintendent, &c., with the sum of five hundred dollars, damages awarded to the widow of Thomas McQuoide, deceased, by the Board of Appraisers, in consequence of the opening of State street from the Capitol to the Canal, which said sum of five hundred dollars was paid by the said Rutherford to the said widow McQuoide, by direction of the board of Canal Commissioners.

Weights & measures in Phila. &c. SECTION 26. That from and after the passage of this act, the powers, duties and emoluments of the regulator of weights and measures, of the city and county of Philadelphia, and his successors in office, shall be such as are hereinafter defined and established.

Regulator to keep standards to regulate w'gts measures, &c. SECTION 27. That the regulator of weights and measures shall keep in his custody and possession while in said office, all the standard weights and measures of the city and county of Philadelphia, except the dry measures of a greater capacity than one quart, and shall by them regulate and adjust all the weights and measures of the said city and county of Philadelphia, pursuant to the provisions of this act, that is to say: he shall, by the said standards, adjust all weights and measures, or such as admit of being adjusted, together with all beams and scales, which he shall stamp with a suitable seal, to be procured by him for the purpose, in such manner as to show the year in which they were stamped.

Annual notice to be given where regulator's office is held. His duty. Fees for trial & adjustme't of certain weights measures, and scales. SECTION 28. That the regulator of weights and measures of the city and county of Philadelphia, shall, at least once in each year, advertise in two or more newspapers in said city or county, the place where his office is held, and it shall also be the duty of said regulator of weights and measures, at least once in each year, to go to the stores, houses, stalls, and offices of the makers, venders or proprietors of beams, scales, weights and measures in the said city and county, and try and adjust (or cause to be adjusted) all beams, scales, weights and measures, and seal the same with the initial of his last or surname and the current year; for which trial and adjustment he shall demand and receive the following fees, to wit: for the trial and balancing of every set of scales, ten cents; of every patent balance, twenty cents; of every set of coal or hay scales, two dollars and fifty cents each; and of every yard measure, six cents; of every gallon, half gallon and quart measure, four cents each; of every

pint, or less, three cents; of every weight, twenty-eight pounds or more, twelve and a half cents; of every weight less than twenty-eight pounds, four cents each; and an additional charge for lead, labour or other materials for adjusting the said beams, scales, weights and measures, at the current value of labor and materials furnished, and no more; and if the said makers, venders or proprietors of beams, scales, weights and measures, or any of them, shall find it inconvenient to have them adjusted and sealed, or for any other cause, the said beams, scales, weights and measures shall not have been adjusted and sealed when said regulator attends, they shall be required to bring the same to his office before using them, and have them adjusted and sealed, for which he shall receive the same fees as if done at the houses, stalls, stores or offices of said makers, venders or proprietors: *Provided always*, That for the sealing of such beams, scales, weights and measures, as are or shall be correct, and have been sealed the previous year, he shall demand and receive only one half the aforementioned fees. Proviso.

SECTION 29. That in case any maker, vender or proprietor of beams, scales, weights or measures, within the city and county of Philadelphia, shall neglect or refuse to comply with the requisitions which the regulator of weights and measures of the city and county is authorized and directed to make, by the twenty-eighth section of this act, or shall sell by false beams, such person or persons so offending shall, for each and every such offence, forfeit and pay the sum of five dollars, which may be sued for and recovered as debts of the like amount are by law recoverable, for the use of the poor of the city, district or township in which such fine shall have been incurred: *Provided*, That the provisions of the twenty-eighth & twenty-ninth sections of this act shall not be so construed as to extend to such beams, scales, weights and measures, as shall not be used by the proprietors thereof, for the purpose of buying or selling by the same. Penalty for neglecting to comply.

SECTION 30. That James Ronaldson, Francis Lyon, Andrew Hooten, James Enue, junior, Thomas E. Griswold, Thomas Barnett, Samuel F. Reed, Robert L. Loughhead, James Murphy, James A. Campbell, or their associates and successors, be and they are hereby incorporated under the name, style and title of the "Moyamensing Library and Literary Association," with all the rights, powers and privileges conferred on the Franklin Library company, of Ten Mile, in the county of Washington, by the act incorporating the same, passed the seventh day of March, A. D. one thousand eight hundred and twenty-seven. Moyamens'g Library and Literary Association incorporated.

SECTION 31. It shall be lawful for the mayor, aldermen and citizens of Philadelphia to erect a City Hall, on any part

Authorities of the lots of ground in the said city, now known by the name of Phila. city of Penn Square, and the mayor, aldermen and citizens of empowered Philadelphia shall have the control and management of said to erect a ci- Square: *Provided*, The expenses of erecting said Hall shall ty Hall on be paid out of the treasury of said city: *Provided*, The Penn square consent of the commissioners of the county of Philadelphia be first had and obtained, should the county aforesaid have any legal claim to the same.

**SECTION 32.** That the sale made to George W. Harris, of any portion of the estate of Christian Ley, late of the Estate of C. Ley, dec'd. county of Lebanon, deceased, by John Ley and Christian sale of cert'n Ley, surviving administrators of said deceased, since the part of to G. death of Peter Batdorff, one of the administrators of said W. Harris confirmed. deceased, after having been approved of by the Orphans' Court of Lebanon county, as directed by the act of the fifth day of April, one thousand eight hundred and thirty-two, shall be as valid and effectual, and of like effect to pass the title of Christian Ley, deceased, as if the said Peter Batdorff, deceased, had been a party to such sale; and that Augustus Holmes, the administrator de bonis non of the Admin'r. of aforesaid Christian Ley, deceased, is hereby authorized and auth. to sell certain real estate. empowered, under the direction of the Orphans' Court of the proper county, to sell, at public sale, upon thirty days notice given in one or more newspapers printed in the counties of Berks, Dauphin, Lebanon and Clearfield, the remaining parts of the real estate of the said Christian Ley, deceased, situate in the counties aforesaid: *Provided*, That the said administrator de bonis non shall give sufficient security for the faithful and proper application of the proceeds of the sale or sales of said lands or real estate as the Orphans' Court of Lebanon county shall direct; and all sales of real estate so made, as aforesaid, shall vest in the purchaser or purchasers thereof, the same titles which Christian Ley, in his life time, had and held in the same, the Orphans' Court of the said county of Lebanon, first approving of such sale or sales.

**SECTION 33.** That all the provisions contained in the act, Act rel. to attachment of vessels extended. passed the thirteenth day of June, one thousand eight hundred and thirty-six, entitled "An act relating to the attachment of vessels," are hereby extended to venders of copper sheathing.

**SECTION 34.** That the several provisions of the act of sixteenth of June, one thousand eight hundred and thirty-six, Act rel. to liens of mechanics and others extended. entitled "An act relating to the lien of Mechanics and others upon Buildings," are extended to wharf builders and all concerned in the making or constructing of the same.

**SECTION 35.** That the deputy surveyor of the county of Warren is hereby authorized and required to procure a suitable book, and cause the surveys made by the deputy

surveyor of said county to be entered therein according to the order and date of said surveys, accompanied with a suitable index thereto, the expense thereof to be paid by the county commissioners, and the entries therein shall be deemed prima facie evidence of said surveys; also that the commissioners of the county of Warren shall cause to be transcribed in a suitable book all the assessments heretofore made in said county, and that such transcripts, duly certified by the clerk of said commissioners, shall be deemed prima facie evidence of the things therein contained.

WHEREAS, the sum of fifty-three dollars was paid by Ambrose Gaylord, junior, of the township of Braintrim, in the county of Luzerne, to the commissioners, appointed by the act entitled A further supplement to the act entitled an act to authorize the Governor to incorporate a company for erecting a bridge over the Susquehanna river, at the borough of Wilkesbarre, in the county of Luzerne, passed the thirteenth day of March eighteen hundred and twenty-four, and through mistake applied to lot number seventeen instead of lot number fifteen as was intended, and will more fully appear on reference to the receipt of the said commissioners given for the payment thereof: Therefore,

SECTION 36. That the Secretary of the Land Office be authorized, on the holder of the receipt given by the commissioners aforesaid, for the payment of the said sum of fifty-three dollars on the lot number seventeen, presenting the same for that purpose, to apply the same towards the purchase money on lot number fifteen, in the same division of lands in said township, in the same manner as though it had in the first instance been paid on said lot number fifteen.

SECTION 37. That the commissioners of the Sinking Fund of the county of Philadelphia, be and they are hereby authorized to invest the monies coming into their hands, from time to time, under the provisions of the fortieth section of an act passed June sixteenth, A. D. eighteen hundred and thirty-six, entitled "An act regulating Election Districts, and for other purposes," in such stocks or securities as may be approved by the court of Common Pleas of the city and county of Philadelphia.

SECTION 38. That it shall, and may be lawful, for the Philadelphia and Trenton Railroad company, to extend a branch of their railroad, under the provisions of their charter, from some suitable point at or near the village of Bridesburg, in the county of Philadelphia, and to terminate in the village of Bridesburg, and for this purpose, if it shall be found more advisable with the assent of the county commissioners of the county of Philadelphia, to locate the said branch

and lay rails on the route of the public road leading from the railroad to the said village: *Provided*, That no change of location of said railroad, or any part of the same, shall be lawful without the assent of the court of Quarter Sessions of said county.

**SECTION 39.** The inspectors of the Philadelphia county Prison, are hereby authorized and directed to have the part or parts of the vacant ground attached to said prison, prepared and kept for a parade ground for the volunteers and militia of the city and county of Philadelphia; the Major General and Brigadier Generals, of the first division of Pennsylvania militia, to ordain regulations for the government of said parade ground.

**SECTION 40.** From and after the passage of this act, the Jackson Greys, (volunteer company,) of Shrewsburg, York county, Pennsylvania, shall be exempt from training with the militia or with the volunteer battalion, to which they have been heretofore attached, except at the discretion of their officers: *Provided*, the said Jackson Greys shall meet the proper number of days required by law, in their company capacity.

**SECTION 41.** That it shall be the right and privilege of the owner of the cargo of any boat on any canal in this Commonwealth, if dissatisfied with the weight of the cargo, or empty boat, as decided by the weighmaster of such canal, to have it re-weighed when and where the same may be required by such owner; and in order to ascertain the true weight of the empty boat, it shall pass upon the scale in the same state and with the same boat furniture, fixtures and appendages as when weighed with the cargo on board.

**SECTION 42.** That Thomas Murtha, John Murtha, David Murtha and Mary Murtha, children of Thomas Murtha, of the Northern Liberties, of the county of Philadelphia, shall have and enjoy all the rights, benefits and advantages of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely; to all intents and purposes, as if they had been born in lawful wedlock.

LEWIS DEWART,  
Speaker of the House of Representatives.  
CHARLES B. PENROSE,  
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.