

No. 279.

AN ACT

To authorize the canal commissioners to remove lock house, number fifty-four, on the Western division of the Pennsylvania canal.

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 canal commissioners of the commonwealth of Pennsylvania are hereby authorized and required to remove lock house, number fifty-four, on the Western division of the Pennsylvania canal, from the west or berme side of said canal to the opposite side: Provided, That James Ellett, junior, defray all the expenses that may be incurred in removing said lock house.*

WILLIAM F. PACKER,
Speaker of the House of Representatives.
GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 280.

AN ACT

To provide for the erection of a house for the employment and support of the poor in the county of Westmoreland.

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 Benjamin Byerly, John Kuhns, John Trout, Samuel Hill, Thomas Trees, John C. Plumer, Henry M'Bride, Robert Hichman, Joseph Budd, John M'Farland, John Hill, Joseph Cook, Joseph Jack, John A. Hays and Jacob Dible, senior, be and are hereby appointed commissioners whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Westmoreland county, and it shall be lawful for said commissioners, or a majority*

Election of directors of the poor.

of them, to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of the county of Westmoreland, to be filed in his office; and at the next general election the qualified electors shall elect three reputable citizens of the said county, to be directors of the poor and of the house of employment for the county of Westmoreland; and the judges of the election of said county, shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein or within three days thereafter, certify under their hands and seals, the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their election; and the said directors shall meet at the court house in said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, of the third at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually thereafter.

Directors to take oath, &c.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of said office, take an oath or affirmation, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being as debts are or shall be by law recoverable.

Incorporate.

Style.

Privileges.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law to all intents and purposes whatever, relative to the poor of the county of Westmoreland, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title, of the directors of the poor and of the house of employment for the county of Westmoreland, and by that name shall and may receive, take and hold any lands, tenements, hereditaments not exceeding the yearly value of ten thousand dollars; and any goods and chattels whatsoever of the gift, alienation or bequest, of any person or persons whatsoever, to purchase, take and hold any lands and tenements within their county in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county, to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with full and sufficient security, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office, all moneys, bonds, notes, book accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices so that such apprenticeship may expire if males, at or before

the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice or as may now be bound apprentices by the overseers of the poor: *Provided, Proviso.* That no child shall be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

SECTION 4. The said directors as soon as may be after their election Directors to make and organization as aforesaid, shall make an estimate of the probable an estimate of expense of purchasing the lands and buildings, or erecting the necessary probable expense building or buildings, and furnishing the same and maintaining the poor of lands, build- within the said county for one year, whereupon the county commis- ings, &c. sioners of the said county shall and they are hereby authorized and County commis- required to increase the county tax by one-fourth part of the sum neces- sioners author- sary for the purpose aforesaid, and shall procure on loan on the credit county tax. of the taxes herein directed to be levied, the remaining three-fourths Procure loan. thereof, to be paid in instalments, with interest, out of the county taxes: *Provided always, Proviso.* That if such a loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

SECTION 5. It shall be the duty of the said directors, on or before Directors to the first day of November, in each and every year, to furnish the com- make yearly esti- missioners of said county with an estimate of the probable expense of mate of expense the poor and poor house for one year, and it shall be the duty of said to commissioners. commissioners to assess and cause to be collected, the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners as the same may be found necessary; and the said directors shall at least once in every year, render an account of all moneys by them received and Accounts. expended, to the auditors elected to audit and settle the county accounts, subject to the same penalties and rules and regulations as are by law directed, respecting the accounts of the county commissioners; and shall at least once in every year, lay before the court of quarter Court of quarter sessions and grand jury of said county, a list of the number, ages and sex sessions to be furnished with a list of the persons maintained and employed in said house of employment, of the number, or supported or assisted by them elsewhere, and of the children by ages, and sex, their bound out to apprenticeship as aforesaid, with the names of the persons masters or mistresses, and their trade, occupation or calling; and shall maintained and at all times when thereto required, submit to the inspection and free employed in the examination of such visitors as shall from time to time be appointed by house of employ- the court of quarter sessions of the said county, all their books and ment. accounts, together with the rents, interest and moneys, payable and receivable by the said corporation; and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them: *Provided, Proviso.* That no director shall sell or dispose of any article or articles to the said poor house, during the time he shall serve as director thereof.

SECTION 6. As soon as the said buildings shall have been erected or When buildings erected, then notice to be given purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county, requiring them forthwith to bring the poor of their respective townships, to said house of em- ships, &c. several town-

ployment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness, or any other sufficient cause, any poor person cannot be removed, in which case the said overseers shall present the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time, issue an order under his hand and seal to the said overseers, directing them to maintain such poor, until such times as he or she may be in a situation to be removed, and then convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

Directors to receive, provide for and employ such poor and indigent persons as are entitled to relief, or shall have gained a legal settlement, &c.

Proviso.

Quorum.

Ordinances, rules and regulations.

Proviso.

Proviso.

SECTION 7. The said directors shall from time to time, receive, provide for, and employ according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Westmoreland, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Westmoreland, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expenses of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Westmoreland.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they may think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas, for the time being, of the county of Westmoreland, and shall have received the approbation of the same.

Power to administer oaths.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their legal settlement; and in case such poor persons shall refuse to take the oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to the said settlements, the said directors may withhold all further relief from such person or persons, until he or she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations, in all cases whatever, relating to their official duties.

Meetings.

SECTION 10. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

SECTION 11. *The said directors shall each of them receive for their Directors, pay of services, annually, the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.*

SECTION 12. *In case of any vacancy, by death, resignation or other- Vacancy, how wise, of any of the said directors, the remaining directors shall fill such filled. vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.*

SECTION 13. *All claims and demands existing at the time of this act Existing claims being carried into effect, shall have full force and effect as if this act and demands had not passed; and when the same may have been duly adjusted and to have full force settled, all moneys remaining in the hands of the overseers, as well as and effect. the uncollected taxes levied for the support of the poor in the several townships in the county of Westmoreland, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.*

SECTION 14. *As soon the poor of the county of Westmoreland shall Office of overseer have been removed to the house of employment of said county, and of the poor, when the outstanding taxes collected and paid over, the office of overseer of to be abolished. the poor within said county shall from thenceforth be abolished.*

SECTION 15. *The powers conferred and the duties imposed on the Certain powers overseers of the poor, in and by an act to empower the overseers and conferred on the guardians of the several townships within this commonwealth to recover directors of the certain fines, penalties and forfeitures, and for other purposes, are here- poor. by conferred and imposed upon the directors of the poor in the said county of Westmoreland; and that the justices of the peace and sheriff within the said county are hereby required and enjoined to pay to the directors, to be by them applied to the maintenance of the poor of the county, the aforesaid fines, forfeitures, penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said directors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff in the said county, shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.*

SECTION 16. *The commissioners of said county are hereby author- Expenses of the ized and empowered to pay to the persons appointed commissioners by the first section of this act, the expenses incurred by them in the per- commissioners named in this act, formance of their duty; and, also, pay the said directors a reasonable to be paid by the compensation for their services during the term they are employed in county commis- erecting any building or buildings aforesaid: Provided, The same shall sioners. not, including the annual sum allowed them by this act, exceed fifty Proviso. dollars for any one year.*

SECTION 17. *So much of the laws of this commonwealth, relating Repeal. to the poor, as are by this act altered and supplied, be and the same are hereby repealed, so far as they affect the county of Westmoreland.*

SECTION 18. *That the sheriff of said county shall, in due time, Sheriff to give notify the said commissioners of their appointment, and when and notice to commis- where they shall meet for the entering upon the duties assigned them sioners of their by this act, which place of meeting shall be as near the centre of the appointment, &c. county as possible.*

SECTION 19. *For the purpose of ascertaining the sense of the citi- Election as to the zens of Westmoreland county, as to the expediency of erecting a poor expediency of erecting a poor house, it shall be the duty of each of the inspectors of the several house, &c.*

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townships and borough, at the next general election, to receive tickets, either written or printed, from qualified voters thereof, labeled upon the outside "poor house," and on the inside "for a poor house," or "against a poor house;" and if it shall appear upon casting up the votes of the different districts at the court house, on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect; but if a majority of votes are found to be against a poor house, the foregoing act to be and the same is hereby null and void.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 281.

A SUPPLEMENT

To an act incorporating the Buckingham and Doylestown turnpike road 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 any person or persons traveling on the Buckingham and Doylestown turnpike road, or so much of said road as has been licensed to take tolls, and pass through or by any gate without paying or offering to pay the toll authorized to be charged for traveling on said road, or use any fraudulent means or device whatever, to deceive or avoid the payment of the said toll so authorized to be charged and collected, may and shall be proceeded against agreeably to, and in conformity with the provisions contained in the fourteenth section of an act incorporating the Doylestown and Danborough turnpike road company, passed and approved on the twenty-first day of March, one thousand eight hundred and forty-two, and with the like penalty contained in said section for avoiding tolls as aforesaid: *And provided further,* That if any person or persons removes, injures, defaces or otherwise interferes with improvements made and erected on said road, or the surveyed limits thereof, or place upon any part of said road or the limits thereof, any dirt, shavings, ashes, weeds, rubbish or any kind of material or offensive matter, or removes from said road or the bounds thereof, any mould, dirt, gravel, sand, stone or other material, without first having obtained the consent of the managers to remove the same therefrom, shall, upon being convicted thereof by one or more credible witnesses, before a justice of the peace, be adjudged to pay a fine not exceeding five dollars, together with the

Penalty for passing through any gate without paying or offering to pay toll.

Proviso.