

LAWS OF PENNSYLVANIA

SECTION 5. That the fourth section and preamble thereto of the act of assembly passed twenty-fourth January, one thousand eight hundred and thirty-two, entitled "An act authorizing the laying out of streets and roads in the township of Passyunk, in the county of Philadelphia," be and the same is hereby extended to the said borough of Manayunk.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—This thirteenth day of July, A. D. eighteen hundred and forty-two.

DAVID R. PORTER.

[No. 116.]

A N A C T

Concerning the Trust Estate of Hugh Roberts, deceased, 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 trustee and trustees for the time being, of the residuary estate of Hugh Roberts, late of the township of the Northern Liberties, in the county of Philadelphia, deceased, devised by his last will, dated the thirtieth day of April, eighteen hundred and twenty-seven, and the codicil thereto, be and he and they are hereby authorized, as often as in his or their judgment it shall be deemed expedient, the consent of the devisee for life, and of a majority of the cestui que trusts interested in the same being first given, to purchase at sheriff's sale any real estate which has been or may be mortgaged for the security of any debt or money due or owing to the said testator, or to his executors or executrix, or to any trustee or trustees in the said trust, whenever the said mortgaged estate or premises shall not bring, at such sale, a sufficient price to pay or reimburse to the said trust the

Trustees of
estate of H.
Roberts, de-
ceased

Power to pur-
chase

whole amount of the principal and interest due upon such mortgage, and in case of such purchase the conveyance of the premises shall be made to the trustee or trustees of the said estate, for the time being, and to his or their heirs in trust for the uses and purposes declared in the said will of and concerning the said residuary estate, and under and subject to all the powers, conditions and provisions granted, declared, or made therein in regard to the same; and furthermore, with and under the powers following, that is to say, of selling, from time to time, the estate so purchased, or any part thereof, at public or private sale, for cash or on credit, as the said trustee or trustees shall think fit, and conveying the same to the purchaser and his heirs, in fee simple, discharged of all the said trusts, and free from all liability on the part of the said purchaser, to see to the application of the purchase money, and also of granting the premises so purchased to any person or persons, reserving a ground rent in perpetuity, either redeemable or irredeemable, in trust, for the uses and purposes aforesaid, and of releasing such rent on the payment or performance of the covenant or condition of extinguishment, and also of leasing the premises, from year to year, in the mean time, on such terms, conditions and rents as the said trustee or trustees may deem expedient: *Provided always*, That all purchase money, ground rents, or money paid in extinguishment thereof as well as all annual rents received by the trustee or trustees aforesaid, after paying the expenses and charges thereon, shall always be held and applied to and for the trusts, uses and purposes declared in the said last will of, and concerning the debt, money or interest secured or intended to be secured by such mortgage, and to and for no other use or purpose whatever, so that the respective cestui que trusts and devisees in said last will, shall hold and enjoy the same right, power and interest in, to and over the land so purchased, and the proceeds of its sale and disposition as they had in, to and over the said mortgage, money and interest.

Power to sell

Proviso

SECTION 2. That the said trustee and trustees be and he and they are hereby authorized, in like manner and with like consent, from time to time, to purchase as aforesaid any lot of land or real estate, charged with a ground rent to the said testator and his heirs, or to the said trustee or trustees, his or their heirs, or which in any way appertains to the said trust estate, whenever the said lot of land or real estate shall not bring, at sheriff's sale, subject to the said ground rent, a sufficient price to pay the arrears thereof; and in case of such purchase, the said estate shall be conveyed to the said trustee or trustees in like manner and upon the same trusts,

Further powers of trustees

Proviso

and subject as aforesaid, and the said trustee and trustees shall furthermore have power, from time to time, to sell the said estate so purchased, discharged from the said trusts, and either subject to the said ground rent or discharged therefrom, or subject to a further or other ground rent, redeemable or irredeemable, in manner aforesaid, as he or they shall deem expedient; and in case of a sale and conveyance discharged from the said rent and trusts, the purchaser shall not be bound to see to the application of the purchase money, and if the said conveyance shall be subject to a further rent, or to another rent in lieu of the former, the said rent shall be reserved to the said trustee or trustees, his or their heirs, in the manner, upon the same trusts, and subject as aforesaid, and with the like powers hereinbefore given in case of sale of the said real estate, and insufficiency of the proceeds of sale to pay the arrears of rent: *Provided always*, That the powers hereby granted and all estates, rents and moneys purchased or received by the said trustee or trustees under or by virtue hereof, shall be subject, in all respects, as in the proviso to the first section of this act is contained and provided.

Moneys how applied

SECTION 3. That the said trustee and trustees, for the time being, in his or their discretion, and with like consent as aforesaid, shall have power to apply any part of the principal moneys of the said residuary trust estate, not exceeding the sum of twelve thousand dollars, to repair the buildings now erected on either or both of the following portions of said estate, namely: the estate called Pine Grove estate, situated in the county of Philadelphia, and the Church alley estate, situated on the north side of Church alley, in the city of Philadelphia, or to pull down the said buildings, or any part thereof, and erect other or others in their place; either of the same or of a different description and use from those now erected thereon, or to alter and change the present buildings into warehouses, stores, or otherwise, or to erect new buildings thereon, as he or they shall deem best for the estate, all which conversions of personal into real estate shall be and the same are hereby authorized and shall be held, enjoyed, and pass in like manner as the residuary real estate devised by the said testator, and the said trustee and trustees shall be entitled to credit in his and their accounts for the money so as aforesaid expended and converted.

Franklin school Sus. co may sell real estate

SECTION 4. That James Wells, junior, and Philip J. Stewart, trustees of the Franklin school, in Clifford township, in the county of Susquehanna, be and they are hereby authorized and empowered to sell and convey to the purchaser or purchasers a certain piece of land situated in said township,

bounded as follows: beginning at a corner of a tract of land surveyed to Samuel Meredith, numbered eighteen, thence southeast to a corner of land late of George Reynolds, thence westerly along said George Reynolds' line to a public highway, thence northerly along said highway to the line between lots numbered twelve and eighteen, in the name of Samuel Meredith, thence northeast to the beginning, containing about six acres, more or less, it being the same premises which Redmond Conyngham, by deed dated the thirtieth day of December, eighteen hundred and nineteen, granted and conveyed to the said James Wells, junior, and Philip J. Stewart, in trust, for the use and benefit of said school: *Provided*, That the said James Wells, junior, and Philip J. Stewart shall be responsible for the proceeds of said sale, and pay over the same to the school directors of Clifford township, to be applied to the use and benefit of the common school district in which the said lot of land is situate.

Boundaries
Application
of proceeds

SECTION 5. That hereafter it shall be lawful for the Bucks County Contributionship for insuring houses and other buildings from loss by fire, to insure, in addition to the articles enumerated in the first section of the act of incorporation, the following named articles, to wit: stock in trade, hay, grain, implements of husbandry and household furniture.

Bucks co contributionship insurance co

SECTION 6. That after the next August term the several courts of the county of Clarion shall be held on the first Mondays in February, May, September and December, and continue the length of time now required by law.

Courts in Clarion co

SECTION 7. That the several courts in McKean county shall hereafter be held on the second Mondays of January, April, August and November, and in Potter county on the third Mondays of the same months, each to continue one week, and that juries shall be summoned for the trial of matters of fact at the January, August and November terms, unless otherwise ordered by the court.

McKean co courts

SECTION 8. That the court of quarter sessions of Bradford county may grant licenses to innkeepers at any term of the said court, and so much of any law as requires the publication of the petition and certificate of applicants for tavern licenses is hereby repealed, so far as relates to said county.

Bradford co qtr. sessions licenses

SECTION 9. That E. M. Donaldson of the borough and county of York, executor of the last will and testament of Thomas Kelly, late of the borough and county aforesaid, deceased, be and is hereby authorized and empowered to extinguish by purchase, the unexpired portions of a certain lease made between the said Thomas Kelly of the one part, and Philip A. Small, Samuel Small and C. Geiger, of the other part, bearing

Executors of Thos. Kelly to extinguish lease

date the twenty-sixth day of October, one thousand eight hundred and thirty-nine, and duly recorded in the office for recording of deeds, for York county, in record book two hundred and twenty-two, pages forty and forty-one, and by which said lease, the said Thomas Kelly leased to the said Philip A. Small, Samuel Small and C. Geiger, a certain tract of land situate in the townships of Chanceford and Hopewell, in the said county, for the purpose of cutting therefrom twenty thousand cords of wood, and for other purposes, as by reference to the same will more at large appear: *Provided nevertheless*, That the expenses of extinguishing the lease aforesaid, do not exceed the sum of two thousand five hundred dollars.

Proviso

SECTION 10. And the said E. M. Donnaldson executor as aforesaid, is hereby further authorized and empowered to raise any sum of money, not exceeding twenty-five hundred dollars, by loan at interest not exceeding six per cent. per annum, to enable him to carry into effect the provisions of the next preceding section of this act.

Executor
may borrow
money

SECTION 11. And the said E. M. Donnaldson executor as aforesaid, is hereby further authorized and empowered to mortgage any of the real estate, late the estate of the said Thomas Kelly, deceased, to secure the re-payment of said sum of twenty-five hundred dollars on the first day of April, one thousand eight hundred and forty-four, or on any other day and time, not exceeding five years from the first day of April, one thousand eight hundred and forty-three.

Ex'tor may
mortgage
real estate

SECTION 12. That the title executed by the executors of Thomas M'Millan, of Warrington township, York county, deceased, to John Ritter, dated twenty-fourth day of January, one thousand eight hundred and thirty-eight, conveying the real estate of the decedent, with the consent and relinquishment of his widow, be and the same is hereby declared valid and effectual, to convey all the estate of said decedent, in the premises which he had and held in the same at his decease, and to vest the same in fee simple in said grantee as against the heirs and legatees of such decedent: *Provided*, That the purchase money remaining unpaid be paid into the Orphans' court of York county, to be distributed by such court to the persons legally entitled thereto.

John Ritter's
title made va-
lid

Proviso

SECTION 13. That Alexander Hilands, of Allegheny county, and William Allison and Thomas Runyan, of Beaver county, be and they are hereby appointed commissioners to view, lay out and mark a state road from the towing path bridge across Connequenessing creek, in Beaver county, to Perrysville, in Allegheny county.

State road
from Beaver
co to Alleghen-
y co com'rs

SECTION 14. That it shall be the duty of the said commis-

sioners respectively, or a majority of them after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by moderate filling or bridging, the declination of said road it may be preserved within that limit.

SECTION 15. That it shall be the duty of said commissioners respectively, plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorized to employ one surveyor, at a per diem allowance, not exceeding two dollars, and two chain carriers at a per diem allowance not exceeding one dollar, and the said commissioners respectively, shall receive a per diem allowance of one dollar and fifty cents, for each and every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

SECTION 16. That it shall be the duty of said commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the third Monday of September next, and one copy in the office of the clerk of the court of quarter sessions, in the respective counties. on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

SECTION 17. That the accounts of said commissioners for their own pay and the pay of surveyors, chain carriers, and so forth, shall be made out and returned to the commissioners of the counties of Beaver and Allegheny, in proportion to the time severally spent by them in each of the respective counties, in locating said road, and that they be paid out of the treasury of each of the aforesaid counties on warrants drawn in the usual way.

Guardian of
children of
James Reznor
to vest
certain mon-
eys

SECTION 18. That James Finney, guardian of Sarah, Robert, Elizabeth, Samuel, Susan and Mary Agnes Reznor, minor children of James Reznor, late of Hartley township, Union county, deceased, be and is hereby authorized and empowered to vest the money of the said minors now in his hands, viz : five hundred and ninety dollars in the purchase of real estate in fee simple, adjoining other lands of the said minors, and for their use under the direction of the Orphans' court of Union county.

Lancaster Com's
to hear app'ls
from venders
of merchandize

SECTION 19. That the commissioners of the county of Lancaster and associate judges, shall at any time hereafter have power to hear any appeal which shall be made from their classification of the amount of sales made by the venders of merchandize, for the year one thousand eight hundred and forty-two, and if upon such appeal and hearing, it shall appear just that a modification should be made in such classification, then they shall have power to make such alteration and abatement, or addition as they shall deem justice requires, and all persons entrusted with the collection of the tax, or fees, or license in the said county, imposed upon venders of merchandize, shall be governed by the decision made by the commissioners and associate judges, upon such appeal, and the treasurers of the city and county of Lancaster, when an abatement or reduction shall be made as to the amount of sales, shall be exonerated according to the amount of such reduction by producing to the auditor general, a certificate of the commissioners, as to the alteration or reduction made on such an appeal, any law to the contrary notwithstanding: *Provided* That such alteration, modification or abatement, or addition, shall be based upon the returns under which the first classification was made.

Proviso

David White
Preamble

WHEREAS, David White complains that serious damage has been done, by the construction of a dam on the Nesha-nock creek, adjoining the borough of New Castle, and by the canal and guard lock on the side of said creek adjoining the property of said David White, he being deprived of the use of a valuable water power, and inasmuch as he has not asked damages, but desired as a right a share of the surplus water not needed for public use, and if the right be a just one, the Commonwealth ought to concede the same : Therefore.

Claim of D
White

SECTION 20. *Be it enacted*, That the canal commissioners are hereby required to examine into the claim of David White, of Beaver county, for a share of the surplus water not needed for public use, in the Beaver division of the Pennsylvania Canal, on the Nesha-nock creek, adjoining the borough of New Castle, and adjoining the said property of David White, and if the said claim be just, they shall award him

his proportion of the said surplus water, so far as it can be done without injuring or impairing the public works.

SECTION 21. That from and after the passage of this act, any person or persons, his or their heirs and assigns who have erected, or who may hereafter erect a dam or dams for mill or Dams in Sandy creek, or other water works on Sandy creek, or Red Bank creek, Armstrong county, shall so alter or make the schutes dy & Red Bank creeks in said streams, that the slope from the top of said dam or dams, shall be twenty feet long for every foot the dam is in height, so much of any law as this section alters or supplies is hereby repealed.

SECTION 22. That John Reed, Samuel Galbraith, of Westmoreland county, and R. T. Thompson, of Indiana county, be and they are hereby appointed commissioners to view, Com's to lay out state road from West'd co to Indiana New Salem, in Westmoreland county, thence by way of John Boards and William McQuaid's mills, and the fording across the Conemaugh river at the Salt Works on said river, to intersect the graded road leading from Saltsburg to Indiana, in Indiana county, at or near the house of Adam Thompson.

SECTION 23. That it shall be the duty of the said commissioners, or a majority of them appointed to view as aforesaid, Duty of com's after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office to view the ground &c to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line, shall in no point exceed five degrees, except at the crossing of ravines and streams, where by moderate filling and bridging, the declination of the road may be preserved within that limit, and further it shall be the duty of said commissioners, to have due regard to the crossing of water, the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act, and the said commissioners are hereby authorized to employ one surveyor at one dollar and fifty cents

per diem, two chain bearers, and one axe man at a per diem allowance not exceeding one dollar.

Draft

SECTION 24. That it shall be the duty of the said commissioners, to make out a fair and accurate draft of the location of said roads, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of quarter sessions, of the respective counties through which the said roads may pass, on the day aforesaid, or as much sooner as practicable which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid:

Accounts

SECTION 25. That the accounts of said commissioners for their own pay, and the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Meeting

SECTION 26. That the said commissioners shall meet on or before the first Monday in September next, or as soon thereafter as practicable at such place as a majority of them shall agree upon, and complete the location of said road as soon as practicable. And if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Preamble
Grugan M.
Loskey &
others

SECTION 27. WHEREAS, James Grugan, Alexander Grugan, Nathan M'Loskey, James Farewell and Mary Ritchey, of the county of Clinton, have complained that by reason of the construction of the dam across the West Branch, of the river Susquehanna, at Queens Run, a slack water has been formed above said dam, which is the receptacle of large bodies of ice, which causes the water to overflow the farms situate along the pool of the dam, that the farms of the aforesaid individuals were overflowed and laid waste in consequence of the erection of said dam, that their houses and barns were swept away with their contents, and their personal property was very materially injured. Therefore.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal commissioners be and they are hereby authorized to examine into the allegations aforesaid, and if Grugan & others they find the same to be true, the said commissioners are hereby authorized to allow the said Grugan and others, the amount of damages, if any, which they may have sustained, out of any money in the state treasury not otherwise appropriated.

SECTION 28. That in all cases where a township has been divided, so as to leave one or more of the justices of the peace, of said township in a new township, the official acts of said justice or justices in said new township heretofore done, shall be held to be as good and valid, as if done in the township for which he or they were originally elected. Justices of the peace in divided tps

SECTION 29. That the commissioners of the county of Philadelphia, are hereby authorized and required to open Franklin street, in the county of Philadelphia, through the district of the Northern Liberties, to wit: from Apple street to Sixth street, a width of one hundred feet, in a straight line with said street as opened through the district of Kensington. The damages to be assessed and paid in like manner as is now prescribed by law for assessing damages for streets opened within said district. Com's of Phil co to open Franklin st

SECTION 30. That the canal commissioners are hereby authorized and required, to examine and adjust the accounts of William B. Foster, late a collector of tolls on the western division of the Pennsylvania canal, and make an equitable settlement of the same. Account of W B Foster

SECTION 31. That the canal commissioners be and they are hereby authorized and required to examine the claim of William Bevans, contractor on section one hundred and forty-seven, Tunkhannock division, North Branch canal, and settle with, and pay him according to the last contract and prices, after his contract was declared void by the canal commissioners, for all work done subsequent to the re-letting of the said section, and draw their warrant upon the state treasurer for the amount found due, if any, and the treasurer is hereby authorized and directed to pay the said Bevans, the amount ascertained to be justly due him as aforesaid, out of any money in the treasury not otherwise appropriated, on the warrant of the canal commissioners. Claim of W Bevans

SECTION 32. That the several courts heretofore held in the county of Bucks, in the month of December, shall hereafter commence on the first Monday in November, and con- Bucks co courts

tinue two weeks if necessary. And the February term of said courts, shall hereafter commence on the first Monday of said month and continue two weeks if necessary.

Northampton
tp Bucks co
voters to de-
cide div by
ballot

SECTION 33. That it shall and may be lawful for the qualified voters of the township of Northampton, in the county of Bucks, to assemble at the time and place appointed by law for holding the annual election for members of assembly, for the year one thousand eight hundred and forty-two, and then and there decide by ballot, whether it be expedient to divide said township, or not, notice of which meeting, and the object thereof, shall be given by the constable of said township, in not less than twenty printed or written advertizements to be set up in as many public places in said township, at least ten days before said meeting.

Election how
held & con-
ducted

SECTION 34. The election to determine the wish of the citizens on the subject of the division of said township, shall be held and conducted by the officers, and in the manner appointed by law, for holding and conducting constables' elections therein, and said officers shall be sworn or affirmed according to law, to perform their duties under this act with fidelity.

Officers of
election

SECTION 35. The officers of said election shall receive from every qualified voter as aforesaid, a written or printed ticket containing the word "division" or the words "no division," and shall continue without adjournment until the electors who shall come to the said election, shall have an opportunity to give in their respective votes, and the judges of the said election shall count the votes, and if a majority shall contain the words "no division," the said judges shall certify and transmit such result to the clerk of the court of quarter sessions of said county, which shall be entered of record. If it be ascertained by the said officers of said election, that a majority of the votes shall contain the word "division," the judges aforesaid shall likewise certify and transmit such result to the clerk of the court of quarter sessions aforesaid, who shall enter the same of record, and the return in either event, shall be made to the said clerk of the sessions within five days after the day on which said election is held.

Qr sessions
may set aside
election

SECTION 36. The court of quarter sessions of the said county, shall have power upon the application of fifteen or more of the qualified voters in said township, and upon sufficient evidence being produced of undue election, to set aside the return of said election, and to order and direct another election to be held in the manner prescribed by this act, by the officers who conducted the last preceding constables election, and at such time as the court may direct.

SECTION 37. Unless application aforesaid be made to set aside the return of said election, during the session of the court next succeeding the same, it shall be confirmed, and when the return of said judges, certifying that a majority of the votes contain the words "no division," shall be confirmed by the court, no proceedings shall be entertained in the same, on the subject of the division of said township, under the act of fifteenth April, eighteen hundred and thirty-four, for the period of three years from and after the day of said election. Application how made

SECTION 38. That the burgess, assistant burgess and town council of the borough of Columbia, in the county of Lancaster, be and they are hereby authorized, to build and erect, or provide and support in or contiguous to said borough, a suitable building to be used as a Lock-up House, or place of security, for the temporary detention of persons committed by a justice of the peace, on any criminal charge for which such person or persons could be lawfully committed to the county prison, there to remain and be kept until such offender or offenders can be conveniently conveyed to the county prison, or until discharged according to law: *Provided*, That no person committed by a justice of the peace, shall be confined in said house for a longer period (at any one time) than twenty-four hours. Columbia borough Lock-up house

SECTION 39. That such of the streets and alleys in Harmanburg, Crawford county, laid down in the town plot of said village, as are now opened are hereby declared highways. but the supervisors of the township, shall not open any other streets and alleys laid down in said plot, unless directed by the court, as other roads and highways are laid out and opened, and said streets and alleys may be opened by the supervisors of the township, except the alleys and streets lying northwest of Walnut and Plumb streets, and west of the Lexington road, and north of Plumb street, which shall not be considered public highways. Harmansb'rg Crawford co streets &c

SECTION 40. That the special courts of common pleas, hereafter to be holden in and for the counties of Somerset and Bedford, for the trial of the causes in which the president judge of the sixteenth judicial district, is or may be concerned as counsel, party or otherwise, or in which he may be related to either of the parties, shall be holden by the president judge of the fourteenth district, and the president judge of the tenth district, alternately, or in such manner as they may agree and appoint. The prothonotary of the proper county shall certify and send a list of the causes in the said special courts, to each of the said judges of the fourteenth and tenth districts, and either of them shall have the same power, authority and jurisdiction in regard to the causes certified as aforesaid, which the act of special courts in Somerset and Bedford counties

fourteenth April, one thousand eight hundred and thirty-six, confers on the president judge, who may reside nearest to the place where such causes are to be tried, and the president judge, who may at any time be holding a special court at Somerset, for the trial of the causes so certified as aforesaid, shall also sit with one or more of the associate judges of said county, for the determination of any and all matters in the orphans' court of said county, in which the president judge of the sixteenth district may have been concerned as counsel, and also for the hearing and decision of all rules, arguments, motions and petitions in the court of common pleas of said county, touching any cause or matter in which the president judge of the sixteenth district, has been counsel, party or relative of either of the parties. And also for the trial and decision of any criminal cause which is, or may be pending in the court of quarter sessions, or court of oyer and terminer of said county, and in the subject matter of which the said president judge of the sixteenth judicial district may be so concerned as counsel or otherwise, that he can not legally and properly sit for the trial thereof.

SECTION 41. That hereafter all volunteer companies organized according to law, shall be exempt from parading with the militia: *Provided however,* That said companies shall parade the number of days in each year, now provided by law.

SECTION 42. That from and after the passage of this act, the Lafayette Guards, a volunteer infantry company, in the county of York, be and are hereby changed into a rifle company, under the title of Lafayette Riflemen, and in that character shall be entitled to draw through the proper brigade inspector, the proper number of rifles and accoutrements to which a rifle company may be entitled under existing laws, and in all respects, have the same privileges, and be under the same restrictions as if they had been originally organized as a rifle company.

SECTION 43. That it shall be the duty of the commissioners of the county of Lycoming, to erect a suitable building in the borough or Jersey Shore, in said county, to be used as a Lock-up House, or place of security, for the temporary detention of persons committed by a justice of the peace of said county, for any violation of the laws of the Commonwealth, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law: *Provided,* That no person committed by a justice of the peace, shall be confined in said house for a longer period than twenty-four hours.

SECTION 44. That the amount of money expended in the erection of said building shall be paid out of the county treasury, on warrants drawn by the commissioners. And after the said building shall have been completed, the burgess and town council of said borough, shall take possession of, support and repair the same without charge to said county.

SECTION 45. That the commissioners of the county of Washington, be and they are hereby authorized and empowered to grant to James Holmes, late collector of county and school tax, for the years one thousand eight hundred and thirty-seven and thirty-eight, and also one thousand eight hundred and thirty-eight and nine, for West Finley township, in said county, a warrant with full power to collect any deficiency of tax for said years, which remains uncollected, and said commissioners shall fix such time for the collection of the same as in their judgment the nature of the case warrants, and the warrant so granted shall have the same force and effect as warrants of a similar character.

SECTION 46. That hereafter there shall be an election held in each ward, for borough officers, for the borough of Pottsville, in the county of Schuylkill, at the same places named in an act passed the thirteenth day of February, one thousand eight hundred and forty, relative to said borough.

SECTION 47. That from and after the passage of this act, the volunteer corps, styled "The Independent Blues" of Armstrong county, is hereby altered from a rifle corps to an infantry corps, with all the privileges and immunities of the same.

SECTION 48. That it shall be lawful for the inspectors of the prison of the county of Chester, whenever in their discretion, they may deem it advisable, and under such rules and regulations as they may prescribe, to permit ministers of the gospel, or other pious and well disposed persons to visit the prisoners confined therein, for the purpose of instructing them in branches of useful education, and advising and instructing them in their moral and religious obligations.

SECTION 49. That the Washington Blues, attached to the second brigade, sixteenth division, are hereby changed from a rifle company into a troop of cavalry, and shall enjoy all the privileges and immunities enjoyed by companies of cavalry under the existing laws.

SECTION 50. That the Governor is hereby authorized to commission Charles W. Fisher, of Berks county, as third Lieutenant of the National Greys, of the borough of Reading.

SECTION 51. That the resolution passed the twelfth day of April, A. D. one thousand eight hundred and forty-two, enti-

Provisions of certain act not to be construed to extend to prothonotaries &c

tled a "Resolution to prevent collectors and other agents from speculating with the public funds in notes of the fourth of May, one thousand eight hundred and forty-one," shall not be so construed as to extend to prothonotaries, registers, recorders and clerks of the different courts of this Commonwealth, except so far as to require them to make affidavit that they were received in the ordinary transactions of their respective offices.

Proceedings in certain cases of intestacy

SECTION 52. That in cases of intestacy where the real estate of the decedent, shall be sold under an order of the orphans' court, for distribution, before the expiration of five years from the death of the intestate, the administrators are authorized to apply the proceeds of such sale, whilst in their hands, to the payment of debts and claims owing by the decedent, for which there may not be other assets in hand, and in all such cases that may have heretofore occurred, and such sale shall have been made within five years from the death of the decedent, the payment of such debts or claims that may have been so made out of the proceeds, shall be allowed as credits on the accounts of said administrators, subject to the usual examination by the orphans' court, notwithstanding such payment hath been made after the expiration of said time: *Provided*, That if before any such payment made, the distributees of the proceeds of such real estate, their guardians, or agents, shall have given, or in future cases may give, written notice to such administrators objecting to such payment, then, and in such case, this section shall not justify the same unless such real estate were or may be otherwise legally liable to such payment.

Proviso

Elections in Phil'a city & county

SECTION 53. That the several ward and township elections of the city and county of Philadelphia, which were holden on the third Friday of March last, shall not be deemed or adjudged invalid in consequence of the polls having been closed before the hour designated by law: *Provided*, That nothing herein contained shall in any other manner affect or repeal the existing laws upon that subject.

Provisions of former act extended to Lebanon co

SECTION 54. That the eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the act entitled "An act to appoint commissioners to re-survey and mark that portion of the county line, which divides the township of Bristol, in the county of Philadelphia, from the township of Cheltenham, in the county of Montgomery, and for other purposes," passed the twenty-fifth day of March, eighteen hundred and forty-two, be and the same are hereby extended to the county of Lebanon, to take effect on the first day of January, eighteen hundred and forty-three.

SECTION 55. That so much of the sixth section of the act of twenty-sixth March, seventeen hundred and eighty-five, as relates to the recovery of fine and forfeitures, shall be and is hereby extended to all fines and forfeitures and amercements which by any law of this Commonwealth, is directed to be paid to the treasurers, or county commissioners, of the respective counties, for the use of the counties respectively.

Fines forfeitures and amercements

SECTION 56. The brigade already erected within the bounds of the county of Perry, shall be attached to, and constitute the third brigade, of the eleventh division, of the militia of this Commonwealth, and the brigade inspector elected at the election held on the sixth June last, in the said brigade, is hereby authorized to do and perform all the duties enjoined upon brigade inspectors of the other brigades of this Commonwealth, relative to the holding and superintending the election of major general, of the said third brigade, eleventh division, Pennsylvania militia; although he may not have given bond, or received his commission at the time of holding and conducting said election, and the votes of the brigade inspector and other field officers, shall be received, counted, and returns made in the manner directed by law, for the election of major generals, throughout this Commonwealth.

3rd Brigade
11th Division
P M

Brigade inspectors

Election

SECTION 57. That the imposition of tolls by the "Monongahela Navigation Company," upon the works of said company shall be subject to the following regulations:

Monongahela navigation co regulation of tolls

First. That all coal boats taking in their loading above lock and dam No. 3, on the Monongahela river, shall be permitted to pass through the locks on said river, at a rate not exceeding one dollar per lock, for each boat in descending the same.

Second. That all new boats built on the Monongahela river above the said lock and dam, shall pay the same rate of tolls as the same description of boats that navigate the said river between Brownsville and Pittsburg.

Third. That so soon as lock and dam No. 3, shall be completed, these regulations shall cease and have no effect as far up the said river as dam and lock No 4, and when lock and dam No. 4, shall be completed, this act shall cease and determine.

SECTION 58. That if any lock keeper or other officer on the works of the said company, shall infringe any of the above regulations, or obstruct in any manner the passage of the boats subject to them, the said lock keeper or other officer, shall be subject to the same penalties contained in the eleventh section of the act to which this is a supplement.

Lock keepers &c

pay of constables & others in certain cases

SECTION 59. That for the services required under the ninth section of the act of assembly, entitled "A further supplement to an act, entitled an act to regulate fisheries within the river Delaware, and for other purposes, passed the twenty-sixth day of November, Anno Domini, eighteen hundred and eight," the constable and other persons summoned by him for the purpose specified in the said section of said act of assembly, shall receive each one dollar per day while performing the duties enjoined by said act of assembly, to be paid by the county, each constable having an exact account of the number of days, he and each of the persons so summoned by him, have been employed under the direction of the said act of assembly, regularly attested before one of the justices of the peace of his township, and the justices of the peace, for issuing their warrants under the requisitions of the said ninth section of the said act of assembly, shall be paid by the county, the same fees as are now allowed to justices of the peace for issuing warrants in criminal cases.

Further extension

SECTION 60. That the preceding section be extended and construed, so as to allow and give payment as therein directed, for services under the said ninth section of the said act of twenty-sixth day of November, eighteen hundred and eight, performed from and after the first day of August, Anno Domini eighteen hundred and forty-one.

Emaus orphan house

SECTION 61. That the principal and trustees of the Emaus Orphan House, be and they are hereby authorized and empowered, to sell and convey to the purchaser or purchasers, any and all ground rents on property situate in the town of Middletown, or adjacent thereto, in the county of Dauphin, owned and held by them under the will of George Fry, deceased, and to apply the proceeds of such sales, to the payment of the debts against the said Emaus Orphan house.

School directors in the tp of Doylestown Bucks co

SECTION 62. That the election of six persons for school directors, for the township of Doylestown, held on the eighteenth day of March, in the year one thousand eight hundred and forty-two, under and by virtue of the second section of the act, of the thirteenth of June, one thousand eight hundred and thirty-six, shall not be adjudged invalid on account of their being at the time, directors whose term of office had not expired, or of any informal organization of the meeting at which said election was held, but that the said election shall be and is hereby confirmed, and held as good and valid to all intents and purposes under the said act.

SECTION 63. That the aforesaid directors be and the same are hereby authorized, as soon as conveniently may be after the passage of this act, to hold an election for the acceptance

or non-acceptance of the common school system, as directed by the thirteenth section of the act to which this is supplementary, and if a majority of the votes polled at the said election, be in favor of accepting the common school system, said system shall be as fully accepted as if the question had been so determined on the first Monday of June, one thousand eight hundred and thirty eight, and upon such acceptance the said board of directors, and all others connected with the common school system in said district, shall be authorized to do and perform within twenty days from and after the said election, all the acts and things necessary to the operation of the common school system in said district. And the said district shall be entitled to the same portion of the school appropriation which they would have been entitled to, had they adopted the common school system, in accordance with the sixteenth section of the act of the thirteenth of April, one thousand eight hundred and thirty-eight.

Directors to
hold an elec-
tion

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The sixteenth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 117.]

AN ACT

To authorize the court of Common Pleas, of Luzerne county, to appoint auditors in certain cases, 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 court of common pleas in the county of Luzerne, shall on the application of one hundred taxable inhabitants of the county, appoint one or more suitable person or Auditors persons to act as auditor or auditors, whose duty it shall be to