

[No. 128.]

AN ACT

To provide for the Education of the Poor in the non-accepting school districts of this Commonwealth, 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 from and after the passage of this act, it shall be the duty of the directors of every non-accepting school district, elected in pursuance of the second section of the act to consolidate and amend the several acts, relative to a general system of education by common schools, passed thirteenth June, one thousand eight hundred and thirty-six, on or before the first Monday of January, in each and every year, to issue a precept to the assessors of their several districts requiring them to receive from the parents, the names of all the children between the ages of five and fourteen years, who reside therein, and whose parents are unable to pay for their schooling, and it shall be the duty of the several assessors in the said school districts, to make return of the names of the said children to the directors, on or before the first day of April next, after the date of the said precept to the said directors, who shall after giving ten days notice by public advertisement, hold an appeal to hear all persons who may apply for alterations or additions of names in the said return, and make all such alterations as shall appear just and reasonable, and shall thereupon make an estimate of the sum required to educate the said children for the year commencing on the first Monday in June.

SECTION 2. The assessor of every ward, township or borough, composing the non-accepting school district, shall upon demand, furnish the school directors of the district with a correct copy of the last adjusted valuation in the same, for county purposes, whereupon the board of directors, shall on or before the first day of June, annually proceed to levy and apportion the sum so as aforesaid, estimated in the same way and manner as county rates are levied, and issue a warrant for the collection of the same, to the township supervisors, whose duty it shall be to collect the same in the same manner, and for the same per centage as road taxes are collected.

Directors to
furnish teach-
ers with list
of children

SECTION 3. It shall be the duty of the directors of each of the non-accepting school districts, to send a list of the names of the children aforesaid, to the teachers within their respective school districts, and the accounts for teaching shall be examined and if found correct paid by the said directors, and the accounts of the said directors shall be settled by the township auditors in the usual way.

County com-
m's to pay
certain tax
to tp which
has accepted
school law

SECTION 4. That in all cases when there has been a tax levied by the county commissioners, in any county in this state, upon the inhabitants of any township, which has not accepted the school law for the education of the poor gratis, in pursuance of the sixteenth section of the act of the thirteenth day of June, one thousand eight hundred and thirty-six, entitled "An act to consolidate and amend the several acts relative to a general system of education by common schools," and the money has not been expended by them in educating the poor gratis, the same shall be paid over to said township, who shall have accepted the school law to be by the school directors appropriated to common school purposes.

Repealing
clause

SECTION 5. So much of act of fourth April, one thousand eight hundred and nine, entitled "An act to provide for the education of the poor gratis," as is hereby altered or supplied is hereby repealed.

New school
dist out of
Venango &
Clarion co

SECTION 6. That the territory contained within the following boundaries, partly in the township of Pinegrove, Venango county, and partly in the township of Pinegrove, in the county of Clarion, shall hereafter form a separate school district to be known by the name of Pinegrove district No. two, viz: Commencing at the house of Adam Korb, in Clarion county, including said house, from thence south-west to the house of Daniel Swab, in Venango county, thence south to the house of Benjamin Keefer, thence south-west to the house of John Haybarger, thence south to the house of Isaac Beck, thence east to the house of Adam Swab, thence north-east to the house of George Kickenbroad Clarion county, thence east to the house of John Rickenbroad, thence north to the house of George Holt, thence north to the house of Samuel Zink, Esq. thence north-west to the place of beginning, all the foregoing houses shall be included in the said district, which district shall be subject to and receive all the benefits from the laws now in force relative to common schools.

Borough Mil-
ton

SECTION 7. From and after the passage of this act, the chief burgess, assistant burgess, town council and high constable of the borough of Milton, in Northumberland county, shall be elected at the same time and place, and before the same election board where the judge and inspectors of elec-

tions, assessors, school directors, overseers of the poor and constable, &c. are elected, and so much of the act of the general assembly, incorporating the said borough of Milton, passed the twenty-sixth day of February, Anno Domini one thousand eight hundred and seventeen, as is hereby altered or supplied together also with so much of the said act of incorporation as requires a residence of six months in order to gain a citizenship within the said borough of Milton is hereby repealed.

SECTION 8. That the words "Jost Mackey," where they occur in the third section of an act, entitled a supplement to an act authorizing the governor to incorporate the Delaware and Susquehanna rail road company, and for other purposes," be changed to "Jeremiah Mackey."

Jost Mackey
to read Jere-
miah Mackey

SECTION 9. That the act passed twenty-ninth day of March, one thousand eight hundred and nine, entitled an act for the better establishing and confirming the boundaries of the town and out-lots of the town of Indiana, in Indiana county, is hereby revised and re-enacted, and continued in full force and virtue.

Indiana

SECTION 10. That the Swatara rail road company be and they are hereby authorized to charge and receive any sum, not exceeding one cent per ton per mile on each ton of coal transported on the rail road, constructed by said company, in addition to the tolls heretofore authorized to be charged on the transportation of coal, on the rail road of said company, for the term of five years from the first day of January, Anno Domini one thousand eight hundred and forty-three : *Provided*, The person or persons paying the same shall be entitled to demand and receive certificates of stock in said company when the sums so paid shall amount to the par value of the same.

Swatara R R
co tolls

Proviso

SECTION 11. That the qualified voters residing north of the Susquehanna avenue, as laid out by the survey of said district, shall hold their township elections on the third Friday of March, Anno Domini one thousand eight hundred and forty-three, between the hours of two and eight o'clock in the afternoon, and annually thereafter at the public house now occupied by Benjamin Dickinson, sign of the wagon and horses, at the corner of Nicetown lane, and the township line road, and then and there elect one constable, one supervisor, one town clerk, three auditors, two inspectors of election, and one judge, one assessor (and when necessary two assistant assessors, and one justice of the peace,) and the number of school directors, provided for by the thirty-second section of an act, entitled "An act relative to the election of borough and township officers, and for other purposes," approved the seventh day of March, one thousand eight hundred and forty : *And provided always*,

Susqueh'a
avenue

That the portion of the district of Penn township, north of the Susquehanna avenue described in this section, be and is hereby declared to be one separate election district.

Repeal SECTION 12. All laws now in force which are inconsistent with the provisions of the foregoing section, so far as relates to the unincorporated part of Penn township in the county of Philadelphia, are hereby repealed.

Phila board health SECTION 13. That the time for which the board of health of the city and county of Philadelphia, shall remove, or cause to be removed the poudrette pit, situate at the intersection of Fifth street and Moyamensing road, in the township of Moyamensing shall be extended for ten months from the passage of this act.

Lehigh co SECTION 14. That the qualified electors of Heidelberg township, in the county of Lehigh, shall hereafter hold their general and township elections at the house of Owen Sayer in said township.

Wash co SECTION 15. That the eighty-first section of an act, entitled "An act regulating election districts, and for other purposes," passed the fourth day of March, one thousand eight hundred and forty-two, changing the place of holding the elections in Carroll township, Washington county, be and the same is hereby repealed.

Claim of A Shaw SECTION 16. That the canal commissioners be and they are hereby authorized and required to examine the claim of Andrew Shaw, of Philadelphia county, for the injury done to one of his cars on the first of September, one thousand eight hundred and forty-one, engaged as a carrier on the Philadelphia and Columbia rail road, and upon ascertaining the amount of damages, if any, to draw their warrant in favor of said Andrew Shaw, upon the state treasurer for the same: *Provided*, The injury was sustained by negligence or carelessness of the state agents and not otherwise.

Hazleton coal SECTION 17. That the stockholders of the Hazleton coal company are hereby authorized to elect nine directors at their next, and at all future elections for directors in the same manner as is provided in their act of incorporation for holding elections for directors and a majority of the said nine directors, shall be a quorum for transacting business.

Butler co SECTION 18. That the electors of North Butler township, in the county of Butler, shall hold their elections at the court house in Butler, and Robert Graham and Abijah Evans, shall be the inspectors to conduct the next general election.

Canal com's to sell property SECTION 19. That the canal commissioners be and they are hereby authorized and directed to dispose of at public sale, after giving at least fifteen days notice in one newspaper published in

the county of Mifflin, and by printed hand bills to the highest and best bidder, a certain lot of ground, in the borough of M'Veytown, in said county of Mifflin, if they deem such sale not to be inconsistent with the public interests, and the said commissioners shall pay over all money arising from such sale after deducting all necessary expenses thereof to the state treasury for the use of the Commonwealth.

SECTION 20. That so much of the act of the general assembly, passed the twenty-fourth day of June, one thousand eight hundred and forty-two, as prohibits the employment of more than one engineer upon the public works of this Commonwealth, after the first of July ensuing, be so far repealed as to permit the canal commissioners, if they shall think necessary to continue those in the service of the state, until the first day of September next, and that from and after that time, but one engineer shall be employed, and he shall be located on the main line, at a salary not exceeding fifteen hundred dollars per annum, and no sub-engineer or member of engineer corps shall be employed, and after said first day of September, no superintendent or supervisors shall be employed on the North Branch canal above Lackawana, and after the first day of August, the canal commissioners shall appoint a supervisor, resident citizen on the Erie extension, who shall do the duty of the present supervisors, and located as nearly central as practicable on the said extension, and only one supervisor shall be appointed on the Beaver division and Erie extension.

SECTION 21. That so much of Aston township, in the county of Delaware, as is now included in the following boundaries, to wit: beginning at a corner of Thomas Y. Brinton's land, where the division line of Aston and Concord townships intersects the southern line of Thornbury township, thence along said line of Concord township, in a southerly direction to a corner of Abraham W. Sharpless' farm, near Stony Bank meeting house, thence along the line of said farm and land of the heirs of Thomas Pennell, deceased, in an eastwardly direction to Chester creek, thence along the several courses of said creek to the present line of Thornbury township, near Wilcox's paper mill, thence along said township line westwardly to the place of beginning, shall be and the same is hereby annexed to Thornbury township in said county of Delaware, for all township and general election, and other purposes, as fully and effectually as if the same had been originally included therein.

SECTION 22. Hereafter the limits of the borough of Gettysburg, shall be extended as follows: from stones on the present line, aforesaid borough, on or near the lands of Henry Gettysburg

Wasmus, thence south sixteen and one fourth degrees east fifty-two five-tenth perches, thence south forty-six degrees west seven perches, thence south fifty-four and three-fourth degrees west ten perches, thence south twenty-two degrees west one hundred and forty-five perches, thence south twenty-nine degrees west twenty-three five-tenth perches, thence north seventy five and a half degrees west two hundred and sixteen five-tenth perches, to stones on the present line of said borough near lands of Robert Smith, John Barrett and David M'Millen; the line hereby established, shall be in lieu of the line mentioned in the charter and all the provisions of said charter, shall apply to all the additional territory, and its inhabitants included within said limits.

**W Searight
Dripps &
Ferguson**

SECTION 23. That the canal commissioners be and they are hereby authorized and required, to examine the claim for damages of William Searight, Dripps and Ferguson, contractors on the Erie extension of the Pennsylvania Canal, occasioned by the suspension of the work on their contracts, as also for work done, and unjustly estimated by the engineer, and settle the same according to the principles of justice and equity, having due regard in said settlement, to the provisions and prices specified in his contract.

**H Dugan
vs H W Con-
rad et al for-
mer act re-
pealed**

SECTION 24. That so much of the twentieth section, of an act entitled "An act to incorporate the Parryville Bridge Company, and for other purposes," passed fourteenth April, one thousand eight hundred and thirty-eight, as authorizes an action of ejectment pending in the court of Common Pleas of Schuylkill county, wherein Hammond Dugan and others are plaintiffs, and Henry W. Conrad and others are defendants, to be removed into the court of such other adjoining county, in another Judicial District, as may be approved by the court of Common Pleas of Schuylkill county, be and the same is hereby repealed.

**Forfeited re-
cognizances**

SECTION 25. That where recognizances have heretofore, or shall hereafter be taken by any competent authority, for the appearance of persons charged with the commission of any crime or misdemeanor before any court, to answer to such charge or to appear before any judge, justice of the peace, alderman or other officer for further hearing, and the said recognizance shall have been, or may hereafter be forfeited on account of the person so charged, failing to comply with the condition therein, or where suits have been commenced for the purpose of recovering the amount of any recognizance heretofore forfeited, and not prosecuted to find judgment, it shall be lawful for any person having suffered loss or injury by the commission of such crime or misdemeanor, by themselves,

their agents or attorney, to institute suit in the name of this Commonwealth, or to prosecute any suit or action now pending and undetermined, and proceed to final judgment thereon.

SECTION 26. *And be it enacted by the authority aforesaid,* That where the amount or any part thereof, of any judgment recovered in pursuance of the provisions of the preceding section of this act, shall be collected by execution or otherwise, the same shall be taken into open court by the sheriff or other officer having received the same, and it shall be the duty of the judges of any court being notified of the payment of money as aforesaid, to order and decree a distribution of the same in the following order to wit:

Power of
court to order
distribution
Order of dis-
tribution

First. That so much thereof as shall be necessary to pay the legal costs on such judgment, and upon the proceedings before the magistrate, who shall have taken such recognizance shall be applied thereto.

Costs

Second. That so much thereof as shall be deemed a reasonable compensation for the person, his agent or attorney who shall have prosecuted the same to final judgment shall be applied thereto.

Att'y or
agent

Third. That so much of the residue thereof as will pay the amount of damage sustained by any person, by reason of the commission of such crime or misdemeanor with interest thereon, to be counted from the date of the commission of such crime or misdemeanor shall be applied thereto.

Damage

Fourth. And that the residue of any moneys collected as aforesaid be paid to the proper county, or into the treasury of the Commonwealth as the case may be.

co or state

And it shall be the duty of the judges who shall make distribution of money as aforesaid, to order and decree the specific sum which shall be applied to each item. And it shall be lawful for the judges of any court to appoint one or more auditors to assess the amount of damages sustained by any person or persons, who shall claim any part of a sum of money arising from any recognizance forfeited as aforesaid, which said auditor or auditors shall have authority to administer oaths, and it shall be the duty of said auditor or auditors to report the testimony taken before him or them to the court, together with a statement of the amount of damage sustained by such claimant: *Provided, however,* That a re-examination may be had of the proceedings, and report of any such auditors at the discretion of the court, and the order and decree of the court thereon shall be final and conclusive: *Provided further,* That nothing herein contained shall be construed to prevent the judges of the courts having jurisdiction over such recognizance, from exercising the authority hereto-

Auditors to
assess dam-
ages
Proviso

fore exercised in respiting the same, but no recognizance taken as aforesaid shall, after the passage of this act, be respited or cancelled without first giving notice to the person who shall have entered the complaint upon which such recognizance shall have been taken, such notice to be served as shall be directed by the court.

Limitation
of actions

SECTION 27. That the provisions of the act of twenty-seventh March, one thousand seven hundred and thirteen, entitled "An act for limitation of actions, shall hereafter not extend to cases where the defendant or defendants, in any suit shall be beyond sea, at the time of such cause of action accrued: *Provided*, That such suit be brought within the times limited by said act, after the return of such defendant or defendants from beyond sea.

1st brigade
5th div P M
trainings

SECTION 28. That in the first brigade, fifth division, Pennsylvania militia, the regimental and battalion trainings, shall commence on the third or fourth Monday in May, in every year, at the discretion of the brigade inspector, and shall continue in such order as the said officers shall direct, on every day in the week (except Sundays,) until the regiments or battalions have all been inspected.

Thomas H.
Gardner Jes-
se Coats

SECTION 29. That an act passed the twenty-third day of June, A. D. eighteen hundred and forty-two, entitled an act to authorize Thomas Gardner, Benjamin J. Miller and Isaac Coats, to sell and convey certain real estate, be so amended that the names Thomas Gardner and Isaac Coats, wherever they occur in said act, shall read Thomas H. Gardner and Jesse Coats.

T. McGire to
make deed to
Elizabeth
Linn

SECTION 30. That Mrs. Elizabeth Linn, administratrix of Doctor George Linn, late of Butler county, deceased, is hereby authorized to take title from the Reverend Terence McGire or other person duly authorized to make the same for lots in Butler, number twenty-three, and out-lots number nine, ten, twenty-two and twenty-nine, of Butler, and also to make sale of all or any part thereof, and make title as well in sales to be made, as in sales already made in the life time of said decedent, and the deeds so made shall be good and valid: *Provided*, That before any deed be made for any of the property not sold by said decedent, the sale shall be approved by the orphans' court of Butler county, and said administratrix shall give such security for the proper application of the proceeds of sales to be made, as said court shall direct.

Guardians of
children of
John Welsh

SECTION 31. That the guardians of the minor children of John Welsh, deceased, are hereby authorized to sell and make title for a house and lot of ground in Kittanning, being the same property purchased by said decedent from George W.

Smith and Catharine, his wife: *Provided*, Before execution to sell real es-
of said deed the sale shall be approved by the orphans' court tate
of Armstrong county, and said guardians shall give such se-
curity as said court shall deem necessary to secure the proper
application of the proceeds of sale.

SECTION 32. That if any person shall hereafter throw,
cast, or wilfully suffer to fall into any part of the Conneque- Penalty for
nessing creek, within two miles of the borough of Butler, any making im-
dead animal, every such person shall forfeit and pay, for every pure the wa-
such offence, a sum not less than five dollars nor more than ters of Con-
twenty dollars, at the discretion of the justice before whom noquenes-
suit is brought, to be sued for and recovered by action of debt, sing creek
with costs of suit, before any justice of the peace of the com-
monwealth, for the use of said borough.

SECTION 33. That all the acts, service of writs, or other
process done or executed by William Shaw, as deputy of Certain acts
George Meason, late high sheriff of Fayette county, be and of William
the same are hereby declared legal and valid, to all intents and Shaw Dep'
purposes, as if the said William Shaw had been legally deputed Sheriff made
and sworn according to law *Provided*, That nothing herein valid
contained shall prevent any person or persons from maintain-
ing any action which they may be entitled to in consequence
of any of the acts of the said William Shaw, as such deputy,
against the said George Meason as high sheriff of said county.

SECTION 34. That the canal commissioners be and they
are hereby authorized to examine into the claims for damages Contractors
of the several contractors on the Gettysburg extension of the Gettysburg
Pennsylvania railroad, alleged by them to have been sustained R R
by reason of the abandonment and discontinuance of the work
thereon, by law, and to allow them severally such compensa-
tion in damages, for unavoidable losses sustained in com-
mencing the work, in necessary buildings and in purchasing
tools, furniture and provisions, as to said canal commissioners
shall appear just and equitable, taking into consideration only
such actual damages and loss, but not allowing any thing for
prospective damages, or in compensation for benefits they might
have from or profits they could have made out of said con-
tract, if prosecuted to completion; and the sum thus awarded
may be registered on the books of the auditor general, as in Aud Gen
other cases of domestic creditors, and be paid in like manner:
Provided, That the whole amount assessed shall not exceed

LAWS OF PENNSYLVANIA

three thousand dollars, and to be paid pro rata to those to whom damages are awarded.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WM: HIESTER,
Speaker of the Senate.

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

DAVID R. PORTER.

[No. 129.]

A N A C T

Annexing the county of Schuylkill to the Eastern District of the Supreme Court, and for other purposes.

Schuylkill co
annexed to E
DS court

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 from and after the passage of this act the county of Schuylkill shall be and it hereby is attached to the Eastern District of the Supreme Court, and that all writs of error and certiorari, and all appeals and proceedings now pending in the middle district of said court shall be removed into the said eastern district for determination, and the prothonotary of the said middle district shall forthwith certify all such writs of error, records and proceedings there pending, to the prothonotary of the said eastern district.

Clinton co

SECTION 2. It shall be lawful for the supervisors of the townships of Coal Brook and Chapman, in the county of Clinton, to improve and occupy the towing path now in part completed for a canal passing through said township, for a road or public highway, and for that purpose they are hereby authorized to remove any stone, timber, or other materials from the embankment constructed from said towing path: *Provided,* That said towing path shall not be occupied as a road any longer than until the said canal shall be completed.