

No. 269.

AN ACT

Extending the improvements in the borough of Pottstown, in the county of Montgomery, 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* L. E. Corson, Joseph Royer, Isaac Linderman and Doctor Jacob Knipe, Commissioners to lay out additional streets, &c. in the borough of Pottstown. be and they are hereby appointed commissioners, and they, or any three of them being duly sworn or affirmed to perform their duties with impartiality, shall have full power and authority to lay out any additional street or streets within the borough of Pottstown, which they shall think proper for the improvement thereof, or necessary for the convenience of its citizens or the public; and shall also have full power and authority to vacate, alter, widen and extend such streets, lanes and alleys in the said borough, as are already laid out, taking care in the performance of said trust, to do as little damage to private property as possible; and the said commissioners shall have authority to name the streets so laid out by them, and also those within said borough not already named; and shall make report of their proceedings to the court Report. of quarter sessions of said county, within six months from the passage of this act, which report shall be accompanied by a plan or plot of all the streets, lanes and alleys within the said borough, as well of those already laid out, as those laid out by them in pursuance of this act, designating therein the alterations and extensions by them made, and the width and names of the respective streets, lanes and alleys, with such other matters as may be necessary, in order to form a complete plot of the said borough; which report the said court, in their discretion, may order to be amended or corrected, and when finally approved When confirmed, to be recorded. and confirmed, shall be recorded in the recorder's office of said county, and a certified copy thereof shall be evidence in all matters in which such record is pertinent; and the streets, lanes and alleys so laid out, shall from thenceforth be opened for public use, in the same manner as if they had been laid out by an order of the court in the usual way; and each of the said commissioners shall receive the sum of one dollar Compensation. and fifty cents per day, for each and every day they shall be employed in their duties as aforesaid, which shall be paid by the corporation of said borough: *Provided*, That in case of alleys, the consent of three- Proviso. fourths of the owners of lots shall be necessary in the squares where alleys may be wanted.

SECTION 2. Any person who shall sustain any damage by the laying out and opening or widening of any street, lane or alley within the said borough, by virtue of the powers given by this act, shall have all the rights and remedies provided by the fourteenth section of the act, entitled "An Act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two. Assessment of damages regulated.

SECTION 3. Should either of said commissioners die or refuse to serve, Vacancies, how the court of quarter sessions of the county of Montgomery shall, upon supplied.

the petition of the town council of said borough, have full power to appoint a suitable person or persons to fill the vacancy occasioned by such death or resignation.

Powers of town council increased. SECTION 4. The council of said borough, when assembled together for that purpose, shall have full power and authority to make and ordain such laws and ordinances, not inconsistent with the constitution of this commonwealth, as shall be necessary for lighting, watching, watering, paving, repairing, pitching and cleaning all the streets, lanes and alleys contained in said plot, as recorded in the recorder's office of the county, agreeably to the first section of this act; and also for removing nuisances therein; the same to be put in force and execution by the proper officers, under such penalties as they may prescribe.

Plan of Kensington districts, of Northern Liberties, confirmed. SECTION 5. That the plan entitled, the plan of the survey and regulation of the Kensington districts of the Northern Liberties, made by Benjamin Moore, and returned by him to the board of commissioners, and approved by that board the first day of February, Anno Domini, one thousand eight hundred and forty-eight, containing so much of the said district of Kensington, as lies between the northern and southern boundaries thereof, and between the western boundary and the eastern side of the Philadelphia and Bristol turnpike, named in said plan, the Frankford road, with the lines of the streets so described, and particularly delineated in said plan, as thus are in position on the plans that are already confirmed by the court of quarter sessions, be and the same is hereby confirmed, and declared to be the only plan for the regulation of the streets and water courses within the boundaries therein prescribed, and the same to be a legal record forever unalterable, and that it be deposited in the office of the clerk of quarter sessions, and that a true copy thereof be kept in the said district where the commissioners thereof may direct: *Provided*, That nothing contained in this section shall be construed to authorize any change in the location or direction of Sixth street, which shall be opened according to existing laws.

Proviso.

Part of Gum street in Pittsburg, vacated. SECTION 6. That so much of Gum street, as lies between Cliff and Cook streets, in the city of Pittsburg, be and the same is hereby vacated.

Commissioners of Kensington district may introduce water into said district. SECTION 7. That the commissioners of the Kensington district, in the Northern Liberties, in the county of Philadelphia, shall have full power and authority, on the application of the majority of the owners of the ground fronting on any street, road or alley within the limits of said district, to introduce the water in pipes of conduit to any distance along said street: *Provided*, That the commencement and termination of the pipes shall be at the intersection or interception of some street, road or alley laid down upon the confirmed plan of the district.

Proviso.

Boundaries of Moyamensing and Passyunk townships changed. SECTION 8. That all that portion of the township of Moyamensing, in the county of Philadelphia, which lies eastward and southward of the following line, to wit: Beginning at a point on the river Delaware, two hundred feet south of M'Kean street, as laid out, but not yet opened; thence westwardly along a line parallel with, and at the distance of two hundred feet southward of said M'Kean street, to a point two hundred feet westward of the west side of Broad street; thence northward along a line parallel with, and at the distance of two hundred feet westward of said Broad street, to a point two hundred feet southward of the south line of Franklin street, as laid out, but not yet opened; thence westward on a line parallel with, and at the distance of two hundred feet southward of said Franklin street, to low water mark on the river Schuylkill, shall be added to and become a part of the township of Passyunk, in said county; and all that portion of the township of Passyunk which lies westwardly and northwardly of said

line, shall be added to and become a part of the township of Moyamensing.

SECTION 9. Broad street shall be the western boundary of the Third and Fourth wards of the township of Moyamensing; and the said Fourth ward shall be extended southward to the southern boundary of said township, as fixed by the eighth section of this act; and all that portion of said township lying west of Broad street, shall be a ward, to be denominated the Fifth ward. Third, Fourth and Fifth wards.

SECTION 10. The assessor elected by the voters of Passyunk, in March, one thousand eight hundred and forty-eight, shall make the assessment of the township of Passyunk, as fixed and established by this act; and the assessor for the Fifth ward, Moyamensing, as established by this act, for the year one thousand eight hundred and forty-eight, shall be appointed in the manner prescribed by law in case of a vacancy. Assessors.

SECTION 11. The general, special and ward elections in Fourth ward, Moyamensing, as established by this act, shall be held at the house now occupied by Mahlon Gilbert, at the intersection of Tenth street and Passyunk road, in said ward; and those in the Fifth ward, at the house now occupied by Daniel Young, at the corner of Buck road and Long lane, in said Fifth ward; and the election officers for the general and presidential elections, in the year one thousand eight hundred and forty-eight, and the ward election, in March, one thousand eight hundred and forty-nine, for the said Fifth ward, shall be appointed as follows, viz: The judge of elections of Fourth ward, Moyamensing, shall appoint a judge, and each inspector of said Fourth ward shall appoint an inspector, to conduct said elections; the judge and inspectors thus appointed shall be qualified voters of said Fifth ward, and shall have all the power vested by law in election officers of this commonwealth, and be subject to like penalties. Places of holding elections fixed.

SECTION 12. The corporate title of the township of Moyamensing shall hereafter be "The commissioners and inhabitants of the district of Moyamensing;" and all laws of this commonwealth now in force and operation, relating to the township of Moyamensing and to the ninth section of the first school district, shall be construed to apply and relate to the district of Moyamensing, as fixed and established by the provisions of this act. Corporate style.

SECTION 13. Hereafter the persons elected at each and every general election, to serve as commissioners of said district, shall meet with those members of the board whose term has not expired, on the Monday next succeeding their election, between the hours of ten and twelve in the forenoon of said day, at the usual place of meeting of said board, and being sworn or affirmed in the usual manner, shall then enter upon the duties of their office; and the term of each commissioner of said district shall expire on the second Tuesday of October, in the third year next succeeding his election; and so much of the fifth section of the act of assembly, approved February thirteenth, one thousand eight hundred and forty, entitled "An Act dividing the incorporated township of Moyamensing," et cetera, as is inconsistent herewith, is hereby repealed. Election of commissioners.

SECTION 14. It shall not be lawful for any commissioner of the district of Moyamensing to have or hold any pecuniary interest in any contract with the said district, nor to receive any compensation whatever, directly or indirectly, individually or as a partner in trade, for any work or labor done, or services performed for said district. Term.

SECTION 15. The commissioners of Moyamensing shall have full power and authority to pave any one of the streets running westward Commissioners not to be interested in contracts, &c.

Pave streets.

Constables and
aldermen.

from the west side of Broad street to the river Schuylkill, and charge the expenses thereof, in the usual manner, to the owners of property fronting on such street. The court of quarter sessions of the county of Philadelphia shall appoint a constable for the Fifth ward, Moyamensing, as established by this act, who shall serve until the election, in March, one thousand eight hundred and forty-nine, and until his successor is chosen and qualified in the usual manner; and the alderman elected in Fourth ward, Moyamensing, in March, one thousand eight hundred and forty-five, shall be the alderman for Fifth ward, Moyamensing, as established by this act, until the expiration of his commission, when the qualified voters of said Fifth ward shall elect an alderman.

Commissioners of
Moyamensing to
pave Gray's Fer-
ry road.

SECTION 16. The board of commissioners of Moyamensing shall proceed without delay to curb and pave the Gray's Ferry road from Cedar to Federal streets, and to charge the expense thereof to the owners of property fronting thereon, according to the existing laws authorizing the pavements of streets and alleys within the township of Moyamensing: *Provided*, That before any portions of said road shall be graded and paved, the consent, in writing, of a majority of the property owners on the line thereof, shall first be obtained thereto, by the commissioners of the district of Moyamensing.

Proviso.

Borough of Con-
neautville to em-
ploy surveyor to
define the bound-
ary lines.

SECTION 17. That the burgess and town council of the borough of Conneautville, in the county of Crawford, shall employ a competent surveyor, to survey, mark and define the boundary line of said borough, and extend the present boundary in such manner as he, the said surveyor may think proper, under the direction and approbation of the burgess of said borough; the said surveyor shall make a report of his survey, and a draft of the same, to the burgess and town council of said borough; and if the burgess and town council approve of the report, then the boundary so established shall be valid to all intents and purposes in law: *Provided*, This shall be so surveyed on or before the first day of September, A. D. one thousand eight hundred and forty-eight.

Proviso.

Town council of
the borough of
Milton, shall
have power by
ordinance to,
turnpike streets,
&c., pave and
curb foot walks.

SECTION 18. From and after the passage of this act, the town council of the borough of Milton, Northumberland county, shall have power, by ordinance, to turnpike or M'Adamize all such streets, lanes and alleys within the limits of the said borough, as they may deem proper; also, to require and direct the owner or owners of lots fronting on the said public streets, to pave and curb the side or foot walks thereof; and on the failure or neglect of any person or persons owning lots as afore-said, to pave and curb the side or foot walks in front of his or their lots, agreeably to the requirements of such ordinance, then to cause the same to be paved and curbed at the expense of the said borough, and the owner or owners of the said lots shall be liable to repay the expenses thereof to the said borough; and it shall be lawful for the said council to file their lien for the same, in the common pleas court of Northumberland county, which said lien shall have priority to any mortgage, judgment, recognizance or liability to which the said lot or lots may become liable after the passage of this act; and the amount secured thereby may be recovered by scire facias, as debts are recoverable under the mechanic lien law, in the corporate name of the said borough: *Provided*, That such lien shall be filed within ninety days after such expense is incurred by the said borough, and recite the name of the owner, or reputed owner, and the occupier or occupiers of such lots.

File liens.

Proviso.

Power to borrow
money.

SECTION 19. And the said council shall also have power to borrow, for the use of the said borough, such sum or sums of money as they may deem necessary for the purposes specified in the preceding section, and to issue certificates of loan for the amount so borrowed, to the per-

sons respectively lending the same; and the said certificates, signed by the chief burgess of the said borough, and attested by the president of the said town council, shall be binding and obligatory upon the said corporation of Milton; and the said council also shall have power to assess and collect such taxes as may be necessary to commence, carry on and complete the said improvements, and repay all moneys so borrowed, with the interest thereon: *Provided*, That the assessments of the taxes aforesaid, upon the real and personal property within the said borough, shall be made upon the valuation of property taken for the purposes of county rates and levies; and so much of the act incorporating the said borough of Milton, and also of the acts supplementary thereto, as is hereby altered or supplied, is hereby repealed: *And provided further*, That the provisions of this and the preceding section, and the powers herein granted, shall extend to and be vested in the town council of the borough of Northumberland; and so much of the act incorporating said borough of Northumberland, and the acts supplementary thereto, as is hereby altered or supplied, is hereby repealed.

Assess taxes.

Proviso.

Powers of the
borough of
Northumberland
extended.

SECTION 20. The high constable of the borough of Northumberland is hereby authorized and empowered to serve all process in law which the constable of said borough is now authorized and empowered to do by law, and shall be entitled to charge and receive the same fees for his services as is now allowed to be charged by the constable for similar services; and so much of the act incorporating the said borough of Northumberland, and also the acts supplementary thereto, as is hereby altered or supplied, is hereby repealed.

High constable of
borough of North-
umberland au-
thorized to serve
all process, &c.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 270.

AN ACT

For the relief of Adam Diller, late adjutant general.

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 account of Adam Diller, late adjutant general of the state, be and the same is hereby referred back to the auditor general and state treasurer, with directions to them to re-settle the said account, and to allow the said Adam Diller whatever compensation they may consider just and reasonable, in view of the advantages which the state has derived from any services he rendered while acting as adjutant general aforesaid;

Account of Adam
Diller, referred to
the auditor general
and state
treasurer for re-
settlement.