

No. 288.

AN ACT

Relative to the Upper ward, Germantown, and to the boundary line of the district of Kensington, in the county of Philadelphia; and declaring the Oswayo creek, in the county of Potter, a public highway.

Owners of real estate in Upper ward, Germantown, to grade or pave side-walks, &c.

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 if any owner or owners of real estate situated in the Upper ward, Germantown, and fronting on the Germantown and Perkiomen turnpike road, between the nine mile stone and the lane known as Kerper's lane, shall fail to grade or to pave the side-walks belonging to their respective fronts, on or before the first day of July, Anno Domini, one thousand eight hundred and fifty, in accordance with the requisitions and direction of the road commissioners of the Upper ward, Germantown, as authorized by the act of March twenty-ninth, Anno Domini, one thousand eight hundred and forty-nine, then and in case of such failure, it shall be lawful for the said road commissioners, after thirty days' notice shall have been given, to grade or pave the side-walks of the delinquents aforesaid, and to enter a lien upon the estates respectively, for all the expenses of the same; which lien shall be entered in the manner prescribed and provided by the act of the fifth of April, one thousand eight hundred and thirty-four; and the said road commissioners are hereby authorized and required to remove or cause to be removed, all obstacles which may obstruct the way within ten feet from the curb line upon the side-walks aforesaid: *Provided,* That the said property holders fronting on said Germantown road shall not be required to raise their foot-ways more than ten inches above the crown of said turnpike.

Construction of this act.

SECTION 2. That nothing in this act contained shall be construed to authorize the destruction nor removal of any piazzas or porticos which are now erected on said pavements, nor to interfere with the rights and franchises of the Germantown and Perkiomen turnpike company: *Provided,* That the commissioners aforesaid are hereby authorized to grade, curb and pave the side-walks on the Germantown and Perkiomen turnpike road in the Upper ward, Germantown, between Carpenter and Gorgas streets and Allen's lane, at Mount Airy, in accordance with the provisions of this act, and the acts to which this is a supplement.

Boundary lines of the Kensington district.

SECTION 3. That the west boundary line of the Kensington district, of the Northern Liberties, in the county of Philadelphia, and a certain part of the north and of the south boundary line of said district, is hereby fixed and prescribed as follows, to wit: beginning at a point in a line one hundred and twenty feet northward from the northern line of the Lehigh avenue, and one hundred and twenty feet eastward from the eastern side of Sixth street; thence northward parallel with Sixth street to a point in a line one hundred and twenty feet north of Somerset street; thence westward parallel with Somerset street to the middle of the Germantown and Perkiomen turnpike road; thence southward along the middle of the said Germantown and Perkiomen turnpike road to a point in the middle of Sixth street; thence along the middle of said Sixth street to a point in the middle of Thompson street, at the distance

of four hundred and forty-one feet seven and three-fourth inches southward from the southern line of Masters street; thence along the middle of said Thompson street to the middle of Canal street.

SECTION 4. That the territory which by this act is included within the boundary line of the said Kensington district of the Northern Liberties, shall be and the same is hereby made a part of and incorporated into said district. with the said district; and shall be at all times hereafter included in and subject to all and every the laws, regulations and ordinances which are or hereafter may be enacted and applied to the said district, as at and before the passage of this act.

SECTION 5. That the commissioners of the districts of the Northern Liberties and Kensington, in the county of Philadelphia, are hereby authorized and empowered to lay out a street between Sixth and Fifth streets, the continuation of Thompson street, according to a plan that may be approved by said commissioners: beginning at a point in the eastern side of Sixth street, at the distance four hundred and fifteen feet one and one-half inch southward from the southern side of Masters street, and extending eastward the width of fifty feet, to the western side of Fifth street, at the distance three hundred ninety-one feet five inches southward from the southern side of Masters street; and that Thompson street, from the eastern side of Fifth street, eastward, be widened on the southern side ten feet, and continued the width of fifty feet to Canal street; and said Thompson street shall be opened as streets and highways are opened by existing laws in the city and county of Philadelphia.

SECTION 6. That from and after the passage of this act, it shall and may be lawful for the commissioners and inhabitants of the Kensington district of the Northern Liberties of the county of Philadelphia, to make use of any of the public highways, streets and roads of the districts of Richmond and Penn township, in the county of Philadelphia, and of any incorporated turnpike road extending into or through either any or all of the districts of Kensington, Richmond and Penn township, for the purpose of laying down, taking up, and re-laying and repairing of conduit or water pipes, or for detaching or cutting off branches or pipes of distribution connected therewith, and the usual and necessary devices connected with the same, for the purpose of supplying the Kensington district of the Northern Liberties and adjoining districts with water: *Provided always*, That said use shall not obstruct the passage of the said highways, streets and roads for a longer time than is necessary for the performance of the works essential thereto; and that all damage ensuing or which may ensue to the said highways, streets and roads from the exercise of the privilege hereby granted, shall be repaired by the said Kensington district of the Northern Liberties, with as little delay as possible, and at its own proper cost: *And provided also*, That nothing herein contained shall be taken or construed in any manner to defeat, alter or impair the force and effect of any contract or contracts made, or to be made between the said Kensington district and the said district of Richmond.

SECTION 7. That a certain canal laid down upon the approved plan of the survey and regulation of the eastern section of the Kensington district of the Northern Liberties, shall hereafter be called Aramingo canal, and shall be marked by that name on the plan of said district.

SECTION 8. That so much of the fifteenth section of an act, entitled "A further supplement to an act to incorporate Kensington district of the Northern Liberties," passed April sixth, eighteen hundred and forty-eight, as relates to the appointment of solicitor of said district, be and the same is hereby repealed.

The commis-
sioners and in-
habitants of the
district of Ken-
sington, name
changed to.

Oswayo creek,
Potter county,
declared a public
highway.

SECTION 9. That from and after the first day of January, one thousand eight hundred and fifty-one, the municipal district incorporated by an act of assembly passed March sixth, one thousand eight hundred and twenty, by the name and title of "The commissioners and inhabitants of the Kensington district of the Northern Liberties," shall be known by the name and title of "The commissioners and inhabitants of the district of Kensington."

SECTION 10. That from and after the passage of this act, the Oswayo creek, in the county of Potter, shall be declared a public highway from the town of Millport up to the town of Oswayo, a distance of about six miles.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 289.

AN ACT

For the relief of Adolphus Peries, administrator of James Yard; and to incorporate a company to construct the Greensburg and West Newton turnpike and plank road company; and to authorize Charles Noble to sell certain real estate; to a tavern license in Mifflin county; to refund money from the state treasury, to Charles Shaeffer; relative to the estate of Ferdinand Roth, of York county.

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 state treasurer be and hereby is authorized and required to pay to Adolphus Peries, administrator de bonis non cum testamento annexo, of James Yard, deceased, out of any moneys not otherwise appropriated, the sum of eleven hundred and eighty-seven dollars and fifty cents, this sum having been paid by mistake to the treasurer of the county of Philadelphia, and by him to the state treasurer as collateral inheritance tax on the estate of the said James Yard.

SECTION 2. That Ferdinand Roth, administrator of Lydia Roth, late of Fairview township, York county, deceased, be and he is hereby authorized to make public or private sale of the real estate of the said decedent, situated in Fairview township, the proceeds of the sale of the said real estate to be paid by the said Ferdinand to Amos Roth, infant son and only heir of Lydia Roth, deceased, when he arrives at the age of twenty-one years: *Provided,* That before the said sale shall be deemed to be valid, the same shall have been approved by the orphans'