

No. 317.

A SUPPLEMENT

To an act, entitled "An Act to authorize the governor to incorporate the West Chester and Philadelphia railroad company;" in reference to Windmill island; to the estate of John Earle; to the estate of James H. Douglass, of York county; to the investment of certain trust moneys in the loans of Kensington district; to certain tax laws; the licensing of omnibusses in the city of Philadelphia; and the vacating Bank street, in Philadelphia 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 Thomas P. Cope, Thomas S. Taylor, Richard D. Wood, Nathaniel Commissioners. L. Paleske, William S. Chamley, Edward Whelen, Joshua Longstreth, Isaac Elliott, Charles D. Cleveland, Alexander Cummings, Mordecai L. Dawson, Thomas P. Hoopes, David S. Brown, Benjamin Wiley, William Neal, Clement C. Biddle, William H. James, Thomas Savery, William A. Porter, Elon Dunbar, James B. M'Farlan, Caleb Cope, Garrick Mallery, George Abbott, James Atwood, John M. Atwood, Mordecai M. Sheldrake, Henry Leech, of Philadelphia; J. Lacy Darlington, J. R. Poissatt, Paschall Worth, Marshall Hickman, Henry S. Evans, Abraham Gibbons, Brinton Jones, Abraham Williams, Pen-nock Passmore, Truman Forsyth, Charles Lippencott, Benjamin Newlin, Enos Smedley, William Ingram, James Powell, Abner Miller, A. Z. Barden, of the county of Chester; Anthony Baker, George Baker, Hayes Baker, Lewis Davis, George Rhoads, Lewis Paxton, Garrett Williamson, Minshall Painter, Joseph Edwards, John C. Beatty, Charles Kelley and John Miller, of Delaware county, be and they hereby are appointed commissioners in addition to those named in the first section of the act to which this is a supplement, and with like powers and duties.

SECTION 2. That when twelve hundred shares or more of the stock of the said company shall be subscribed, and the sum of five dollars Letters patent. paid on each and every share, the governor shall, upon being certified thereof in the manner provided in the act to which this is a supplement, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and those who shall thereafter subscribe to the number of shares provided in said act, into a body politic and corporate, in deed and in law, as is provided in the act to which this is a supplement.

SECTION 3. That the president and managers of said company shall have authority to pay to the share-holders entitled to receive the same, Rate of interest to be paid share-holders. interest at the rate of six per cent. per annum, in annual or semi-annual payments, at the discretion of said president and managers, on all instalments paid or to be paid upon the shares of the stock of said company; and said interest shall be charged to the cost of construction, and shall continue to pay the same until said road shall be completed: *Provided,* That no stockholder who has neglected, or shall neglect to pay the instalments on his stock as called for, shall be entitled to receive interest under the provisions of this section, until the said instalments shall have been fully paid.

May connect
with certain
railroad.

SECTION 4. That it shall and may be lawful for the president and managers of said company, under the direction of the canal commissioners, to connect the railroad authorized by the act to which this is a supplement, with the railroad to avoid the inclined plane on the Columbia railroad, at any point on the same not more than one mile and a half west of the bridge over the river Schuylkill, at Market street.

Branch railroad.

SECTION 5. That it shall and may be lawful for the president and managers of said company to construct a branch railroad from the most convenient point on their railroad, to a point at or near the new county seat in the county of Delaware; the same to be subject as to damages or otherwise, to the various provisions of the act to which this is a supplement, so far as the same are not inconsistent with the provisions of this act, and are not inapplicable to such branch railroad.

Commencement
and completion
of road.

SECTION 6. That the length of time allowed in the act to which this is a supplement, for the commencement and completion of the railroad therein authorized, shall be computed from the passage of this act.

Riparian owners
of Windmill is-
land, relative to.
Board of war-
dens, relative to.

SECTION 7. That the fifth section of an act, entitled "A supplement to an act passed March twenty-ninth, A. D., one thousand eight hundred and three, to establish a board of wardens of the port of Philadelphia, and for other purposes," approved February fourth, one thousand eight hundred and forty-six, shall not be construed to impair the rights of the riparian owners of Windmill island, or any part thereof to low water mark; nor shall it be construed to diminish or alter the powers and authorities of the board of wardens and of the court of quarter sessions relating to the extension of wharves beyond low water mark into the tideway of the river Delaware, as conferred by the act of assembly, entitled "A supplement to an act, entitled 'An Act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned,'" approved February seventh, one thousand eight hundred and eighteen; nor shall it be held to affect the provisions of the seventh section of an act, entitled "An Act authorizing the construction of a canal through Windmill island, and the improvement of the navigation of the Delaware river," approved February fourteenth, one thousand eight hundred and thirty-eight.

Maria Earl, guar-
dian, authorized
to sell real estate

SECTION 8. That Maria Earl, of the city of Philadelphia, be authorized, and she is hereby authorized and empowered, as guardian of her children, Mary H. Earl and William W. Earl, to sell either at public or private sale, all the estate, right, title and interest of said minors in all and singular the property and estate of their grand-father, John Earl, situate in the city and county of Philadelphia, and to convey the same to any purchaser and purchasers in fee simple, without obligation on the part of the purchasers to see to the application of the purchase money, further than to see the liens upon the title conveyed, fully discharged: *Provided*, That if the other parties interested in the distribution of the surplus shall require it, the surplus of the purchase money shall be paid into the orphans' court for the city and county of Philadelphia, and appropriated with or without previous audit, according to the rights of the parties interested: *And provided*, That if said guardian should de- cease before the said business shall be fully completed, any succeeding guardian appointed by said court shall exercise the power hereby conferred.

James H. Doug-
lass, guardian,
authorized to sell
real estate.

SECTION 9. That James H. Douglass, of Chanceford township, York county, guardian of James L. Douglass, a minor child of the said James H. Douglass, and his late wife Harriet, late Harriet H. Grey, be and is hereby authorized to sell at public vendue, the undivided portion of a certain tract of land situate in Upper and Lower Chanceford

townships, York county, aforesaid, containing about ninety acres, be the same more or less, now the estate of the said minor, and being the undivided half of the same tract of land which George Urey, by his last will and testament, bearing date the second day of January, one thousand eight hundred and fourteen, devised to the mother of said minor: *Provided*, That before the said James H. Douglass makes sale of the said real estate, he gives a bond to the commonwealth of Pennsylvania in double the value of the said land, to be approved by one of the judges of the orphans' court of said county, that he will faithfully account in said orphans' court to the said minor for the proceeds of the sale of the said real estate. Proviso.

SECTION 10. That it shall be lawful for the orphans' court of the county of Philadelphia to authorize the investment of trust moneys in the water works, scrip or loan of the Kensington district of the Northern Liberties of said county, in the cases provided, and agreeably to the provisions of the fourteenth section of the act relating to orphans' courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two. Orphans' court of Philadelphia county authorized to invest certain moneys in the water works, &c.

SECTION 11. That no law heretofore passed shall be so construed as to invalidate the twenty-ninth section of an act, entitled "An Act to authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes," approved the sixteenth day of April, one thousand eight hundred and thirty-eight, as explained by the third section of an act, entitled "An Act to authorize the administrators of Henry Mineum, late of Crawford county, deceased, to sell and convey certain real estate, and for other purposes," approved the second day of July, one thousand eight hundred and thirty-nine, but the same is hereby declared to be in full force and effect, any other law to the contrary notwithstanding.

SECTION 12. That the select and common councils of the city of Philadelphia, and the commissioners of the incorporated districts, in the county of Philadelphia, shall severally have authority, (by ordinance or ordinances,) to provide for the proper regulation of omnibusses, or vehicles in the nature thereof; and to this end it shall be lawful for the said councils and commissioners as aforesaid, to pass ordinances from time to time, to provide for the issuing of licenses to such and so many persons as may apply to keep and use omnibusses, or vehicles in the nature thereof, and to charge a reasonable annual, or other sum therefor; and to provide for the punishment of the owners and drivers of the same by fine, for any violation of the provisions of the ordinances to be enacted by virtue hereof. Omnibusses, &c., for the city of Philadelphia, for the regulation of.

SECTION 13. That Bank street, in the district of Moyamensing, Philadelphia county, from the south side of South street, to the north side of Shippen street, is hereby vacated. Bank street, Moyamensing, vacated.

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

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.