

This act not to affect the rights in a certain association.

SECTION 3. That nothing contained in this act shall in anywise affect, alter or diminish the rights and interests of the said Fairmount fire engine company in the fire association of Philadelphia; but that the said Fairmount fire engine company shall have, hold, possess and enjoy the same, under the name of the Fairmount fire engine company of the district of Spring Garden, in the county of Philadelphia.

Banking privileges prohibited, &c.

SECTION 4. Nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern; but the object of the said corporation shall be the promotion of the public good, by the extinguishment of fires.

Reservation.

SECTION 5. The legislature reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever, in their opinion, the same be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

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

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 330.

AN ACT

Authorizing the governor to incorporate the Darby turnpike or plank road company, and relative to turnpike roads in the county of Philadelphia.

Commissioners.

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 Eli K. Price, Christopher Fallon, William Worrall, Albert Worrall, Benjamin Bullock, Henry Sloan, Daniel Beidleman, Henry Leech, Joseph S. Keen, Aubrey H. Smith, Hugh M'Ilvaine, Thomas Allibone, John R. Hoopes, George G. Thomas, Isaac Leech, junior, Justus Cox, Charles Lloyd, junior, Paschall Lloyd, John Gibson, J. S. Serrill, Henry C. Townsend, John Jackson, Abraham G. Hunt, George Serrill, John H. Andrews, Thomas Garrigues, John H. Bunting, Joseph M. Thomas, William M. Evans, J. L. Gossler, James Leslie and William H. Moore, be and they, or a majority of them, are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Darby turnpike or plank road company," with power to construct a turnpike road upon and along the Great Southern post road, leading from

West Philadelphia to Darby, commencing at the juncture of the said post Location. road with the Delaware County turnpike, and extending along the said post road as far as the bridge erected over Darby creek, at the village of Darby, in Delaware county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved Subject to provisions of certain the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine: *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the rates specified in the said act, and raise them again to the amount permitted by the said act; but in no case to exceed them during such times and seasons, and with such discriminations as they may think proper and right.

SECTION 2. That the grading of the said road along the eastern end thereof, as far as Mill creek, at Maylandville, shall conform to the plan as to elevations and depressions adopted by the borough of West Philadelphia. Grading.

SECTION 3. The capital stock of the said company shall consist of one thousand shares, at twenty-five dollars each. Capital stock.

SECTION 4. That if the said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years, this act shall be null and void, except so far as is necessary to settle the affairs of the company. Commencement and completion of road.

SECTION 5. That if any person shall pass through any toll gate with any animal or animals, vehicle or vehicles, for which toll is demandable, without paying such toll, it shall and may be lawful for the turnpike, road or bridge company entitled to demand the said toll, notwithstanding that such toll gate may not have been closed when such person or persons passed by and through the same, to sue for and recover the same before any alderman or justice of the peace of this commonwealth, with cost of suit; and in every such suit, the collector of tolls shall be a competent witness for the plaintiff: *Provided*, That such suit shall be brought within thirty days from the time such person shall have so passed through said gate without paying the toll aforesaid. Penalty for passing through toll gates without paying toll.

SECTION 6. That from and after the passage of this act, it shall not be lawful for any incorporated turnpike road company, whose privileges extend through the incorporated districts of the county of Philadelphia, to erect, build or put up any toll house on the artificial parts of their respective roads; and that all toll houses which now occupy the county of Philadelphia, shall be declared an obstruction of the public highway, and shall be removed on or before the first day of November next ensuing the passage of this act, under a penalty of forty dollars for every day that said obstruction shall remain thereon thereafter, to be recovered on conviction thereof before any alderman or justice of the peace of the said county, as debts of like amount are by law recoverable, with costs of suit, the one-half to the use of the county aforesaid, and the other half to and for the use of the prosecutor. Toll houses on artificial parts of roads in the county of Philadelphia, prohibited.

SECTION 7. That the act, entitled "A supplement to an act for the determination and settlement of claims for damages done by the construction of the Conneaut line, Erie extension of the Pennsylvania canal," approved the tenth day of March, one thousand eight hundred and forty-eight, be and the same is hereby revived and continued in force for one year from the passage of this act; and said act is hereby declared to apply only to the Shenango line of the Erie extension, from New Castle northward to the Conneaut lake, and shall include the land of Edward Herington on the French Creek feeder: *Provided*, That the Damages on the Conneaut line, Erie extension of the Pennsylvania canal, act revived.

LAWS OF PENNSYLVANIA,

canal commissioners shall not in any case re-examine a claim to which an award has heretofore been made and paid.

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

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 331.

AN ACT

To refund to the children of Walter Thompson, deceased, a sum of money paid for a tract of land sold as the estate of John Nicholson, deceased.

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 he hereby is authorized to pay to the reverend William R. DeWitt, of Harrisburg, in trust for Louisa Thompson and William Thompson, minor children of Walter Thompson, deceased, the sum of forty dollars and seventy-five cents, the amount paid by the said Walter Thompson, as the consideration money of a tract of land situate in Pike (now Monroe) county, warranted in the name of Richard Hertz, and containing four hundred and seven acres and thirty-five perches, and sold and conveyed to the said Walter Thompson, as late the estate of John Nicholson: Provided, That before the said money shall be so paid by the said state treasurer, the said William R. DeWitt for and on behalf of the said minor children, (which he is hereby authorized to do) shall re-convey to the commonwealth the said tract of land, and deliver up the deed made to said Walter Thompson for the same, by the secretary of the commonwealth.*

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

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.