

church; and in case of a tie vote of the said trustees, the secretary shall have the power to give the casting vote; yet nevertheless they may convene and call together, for their aid, the deacons and members of the said congregation, upon any occasion, for any purpose belonging to said congregation.

SECTION 8. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said corporation; and shall have power also to change the time of holding the general election, if the same should be deemed advisable: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States: *Provided further*, That the said trustees and their successors shall have full power to sell and make title to such lots or ground as is or may be appropriated for the purpose of burial by said congregation; but shall not dispose of, alien, sell or in any way encumber the other real estate belonging thereto, unless with the consent of a majority of the members of said congregation entitled to vote as aforesaid, who shall meet and determine upon such sale, encumbrances or purchase as shall have been proposed. By-laws.
Proviso.

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

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 416.

AN ACT

Authorizing the First German Reformed congregation of Lancaster to sell certain real estate; relative to the common schools in the city of Lancaster; to a certain tavern license in Lancaster county; to Girard avenue, in the district of Penn; to authorize the school directors of North-west ward, Reading, to borrow money; relative to the sale of the real estate of George Flowers, of Philadelphia, deceased; to powers of courts of quarter sessions; to justices of the peace and their sureties; to opening and grading streets, &c., in the borough of Pottsville; to the sureties of Jacob Sallada, late surveyor general; and to Marsh and Penn streets, in the district of Kensington; and relative to actions of ejectment.

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 minister, trustees, elders and deacons of the German Reformed congregation of the city of Lancaster, or a majority of them, are hereby authorized and directed to grant, assign and convey all the right, title, estate, Minister, trustees, &c., of the German Reformed church of Lancaster authorized to convey certain real estate.

interest and estate in the Lancaster cemetery, and the ground and appurtenances thereto belonging, and superintendent's house, to the Second German Reformed church, when incorporated by the name of "The minister, trustees, elders and deacons of the German Reformed church," to hold to them forever, as fully and completely as the same is now held by the German Reformed congregation aforesaid (in whom the title to the Lancaster cemetery, superintendent's house and lot of ground is now vested;) and all the franchises, liberties, privileges, exemption and power whatsoever belonging to the said Lancaster cemetery, superintendent's house and lot of ground, are hereby fully extended, granted given to the Second German Reformed church, when incorporated by the name of "The minister, trustees, elders and deacons of the German Reformed church of the city of Lancaster;" and all the powers granted to all or any of the officers of the said German Reformed congregation, are hereby given to the officers of the said Second German Reformed church, to be exercised by the said officers of the Second German Reformed church in the same way as such powers, rights or privileges were authorized to be exercised by the officers of the said German Reformed congregation; and also further, that all moneys, demands, claims and rights whatsoever belonging to the said Lancaster cemetery, superintendent's house and lot of ground, or originating or belonging thereto, shall vest and belong to the Second German Reformed church aforesaid, on condition that the charter of the Second Reformed German church shall contain as its title, "The ministers, trustees, elders and deacons of the German Reformed church," to whom said property shall be conveyed, to remain forever the property of the German Reformed church, in conformity with the stipulations of the charter of the First German Reformed church; it being understood that the regular services of the Second German Reformed church are to be in the English language; and it being also understood, that if the new church is not built in five years, said property or its value, being two thousand dollars, shall revert to the First German Reformed church.

Minister, trustees, &c., of the Second German Reformed church authorized to convey the same.

SECTION 2. The said minister, trustees, elders and deacons of the Second German Reformed church, or a majority of them, are hereby authorized, when the title to the said Lancaster cemetery is vested in them as aforesaid, to sell, assign, grant and convey the same to such person or persons as shall purchase the same, and take such security for the payment of the purchase money as they may think proper; and upon such sale all the rights, franchises, liberties, privileges and immunities of said Lancaster cemetery shall vest in such purchaser or purchasers.

Board of school directors of the city of Lancaster authorized to admit certain pupils, &c.

SECTION 3. It shall be lawful for the board of directors of the common schools of the city of Lancaster, to admit into the male and female high schools of said city, such pupils from the townships and boroughs of the county of Lancaster, as may be placed in said high schools by their respective parents or guardians, and to charge for their instruction therein such price as shall be determined by said board, not exceeding, however, the average cost to said city of instructing the children of citizens of said city in said schools.

Court of quarter sessions of Lancaster county authorized to grant a tavern license to Jacob Greider.

SECTION 4. That the court of quarter sessions of Lancaster county, at any term thereof is empowered to grant to Jacob Greider, of West Hempfield township, in said county, a license to keep an inn or tavern in said township, under the regulations prescribed in the act of the eleventh of March, eighteen hundred and thirty-four, or the said license may be granted by any two of the judges if in vacation: *Provided*, That the said license shall not be granted except on the certificate re-

quired by the fourth section of the act of March eleventh, eighteen hundred and thirty-four, entitled "An Act relating to inns and taverns," &c.

SECTION 5. That it shall be lawful for the commissioners of the incorporated districts of the Northern Liberties and Spring Garden, in the county of Philadelphia, to enter upon, dig up, and open any part of Girard avenue, in the district of Penn., as the same is now laid out and proposed to be opened, for the purpose of laying new main iron pipes of conduit along the same from the reservoir of the water works of the said districts, in order to afford a more copious supply of water to the districts supplied from the said water works: *Provided*, That before they shall dig up the said street where it is not already opened as a public highway, they shall give security in such sum and in such manner as shall be approved by the court of quarter sessions of the county of Philadelphia, for the payment of such damages as shall be sustained by the owners of the soil through which the said Girard avenue is laid out, in consequence of the opening and digging up of the said Girard avenue for the purpose of laying the said conduit pipes; and the said damages shall be assessed and paid by the commissioners of the said districts, according to the provisions of the acts of assembly now in force in the county of Philadelphia, for assessing and paying the damages for opening streets and highways.

Commissioners of the incorporated districts of the Northern Liberties and Spring Garden authorized to dig up and open Girard avenue.

SECTION 6. That the school directors of the North-west ward of the city of Reading be and are hereby authorized to borrow any sum of money not exceeding four thousand dollars, and to secure the repayment of the same by judgment or mortgage on the real estate of said board of school directors in the ward aforesaid.

School directors of the North-west ward, Reading, authorized to borrow money.

SECTION 7. That Yerkes Saurman, guardian of Harriet Flowers and Washington Flowers, minor children of George Flowers, late of the city of Philadelphia, deceased, or such other person as shall hereafter be appointed guardian of the said Harriet Flowers and Washington Flowers, or either of them, be and he is hereby authorized and empowered to sell and dispose of, either at public or private sale, all the estate, right, title and interest, property, claim and demand whatsoever of them, the said Harriet Flowers and Washington Flowers, or either of them, at law, in equity, or otherwise howsoever, of, in and to all or any part or parts of the real estate, lands, tenements and hereditaments, situate, lying and being in the city and county of Philadelphia, in the state of Pennsylvania, or elsewhere, whereof the said George Flowers, deceased, died seized or possessed; and to grant and convey the same in fee simple, unto the purchaser or purchasers thereof, and to make, execute, acknowledge and deliver to the said purchaser or purchasers, good and sufficient deed or deeds, conveyances and assurances in the law for the same; and also to agree to and to confirm all and every proceeding or proceedings heretofore had and done in the orphans' court for the county of Philadelphia, relative to the real estate of the said George Flowers, deceased, the inquest thereon, the petition therefor and the sale thereof, and other matters and things in conjunction or connection therewith, or in anywise appertaining thereto: *Provided*, That before any deed of conveyance shall be extended for the same, the said guardian shall give a bond in such sum and with such surety as the said orphans' court shall order and direct, for the faithful application of the proceeds of sale of the real estate hereby authorized to be sold.

Guardian of the minor children of George Flowers authorized to sell certain real estate.

Proviso.

SECTION 8. That in addition to the powers now given to the courts of quarter sessions by the act of thirteenth June, in the year of our Lord, one thousand eight hundred and thirty-six, it may be lawful for them on petition under the same rules and restrictions regulating pro-

Additional powers granted to the courts of quarter sessions in rela-

tion to laying out and vacating state roads.

ceedings for laying out and vacating public roads, to grant the orders for widening all such roads as are now, or hereafter may be laid out, reserving to those persons who may consider themselves damnified, the right of submitting their claims to a board of viewers, as is now provided in cases of laying out roads: *Provided*, That no road shall in any case exceed fifty feet in width.

Fifth section of certain act relative to sureties of justices of the peace, altered and amended.

SECTION 9. That the fifth section of the act passed the twenty-first day of April, one thousand eight hundred and forty-six, entitled "An Act in relation to certain public officers and their sureties," be and the same is hereby altered and amended that the application therein contemplated may be made in vacation to any one or more judges of the court of common pleas, *when* action in the premises shall have the same force and effect as though made by the court in session.

Opening, repairing, grading, &c., streets, lanes, &c., in the borough of Pottsville, for the regulation of.

SECTION 10. That in lieu of the mode now provided by law for the opening, repairing, grading and curbing of the public streets, lanes, alleys and highways in the borough of Pottsville, in the county of Schuylkill, the town council of said borough, shall in the month of May of each year, divide off said borough into convenient wards or sections, and after giving at least two weeks' public notice in the newspapers published in said borough for the reception of proposals, shall on a day to be fixed by said council for the purpose, publicly let out such of the opening, repairing, grading and curbing of said streets which said borough may by existing laws be required to perform, to the lowest bidder or bidders, who shall give good and sufficient security for the faithful performance of his or their respective bid or bids.

Jacob Sallade, deceased, for relief of sureties of.

SECTION 11. That the auditor general be and he is hereby authorized and required in the name of the commonwealth of Pennsylvania, upon payment of the original debt caused by the defalcation of Jacob Sallade, and the costs thereon, to release John Klingensmith, of Westmoreland county; Samuel R. Hill and Hannah Hill, executors of Abraham Hill, deceased, of Berks county; Samuel Fogely, of Berks county, and John Walborn, Henry Walborn and Michael Strack, administrators of Jacob Walborn, of Berks county, deceased, from the payment of interest upon the said original claim of the commonwealth against them as sureties of said Jacob Sallade, late surveyor general, which claim is now in judgment on the records of the common pleas of Dauphin county.

Marsh and Penn streets, in Kensington district, to be kept open for public use.

SECTION 12. That the commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, shall have power and they are hereby required to keep open for public use Marsh and Penn streets, in said district, in order that the owners of property bounding on said streets, shall at all times have free ingress and egress to and from said streets; and it shall be the duty of said commissioners to remove any building or obstruction now erected or put, or which may hereafter be erected or put upon said streets or either of them, which may interfere with the use of the said streets by the public: *Provided*, That proper and suitable wharves erected, or to be erected at the landings of said streets, shall not be deemed obstructions within the meaning of this section.

Actions of ejectment, relating to.

SECTION 13. That the repeal of the fifth section of the act of the fifth of May, one thousand eight hundred and forty-one, entitled "An Act relating to the Warren bridge company, and for other purposes," by the fifth section of the act of the thirtieth of April, one thousand eight hundred and fifty, entitled "An Act to incorporate the Presbyterian congregation of Fruit Hill, in the county of Clearfield, and relative to actions of ejectment," shall not have any effect upon actions of ejectment pending in any of the courts of this commonwealth at the time of the said repeal, and which were brought since the passage of

the said act of the fifth of May, one thousand eight hundred and forty-one; but all such actions of ejectment shall be tried and finally determined as though the said fifth section of the said act of the fifth of May, one thousand eight hundred and forty-one, was in full force.

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

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 417.

AN ACT

Authorizing the governor to incorporate the Larrie's Creek plank road company; relative to the estate of James Jones, of the state of Delaware, and Henry C. Heermans and Sarah Ann Steele, of the county of Luzerne; to the real estate of Margaret Manderson; to the accounts of the brigade inspector of Lycoming county; authorizing John Archey to collect certain school taxes; to legitimate Livina Ely; and relative to Hockley's alley and Bingaman street, in the city of Reading.

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 John A. Gamble, Robert Crane, Robert S. Bailey, John Knox, junior, Robert H. Lawshe, George Tomb, A. H. M'Henry, E. H. Russel, Commissioners. Jacob Sallada, Joseph B. Torbit, Samuel Humes, Lewis P. Reeder, J. W. Maynard, John F. Cowen, Hepburn M'Clure, William Riddell, Oliver Watson and Robert Farries, be and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company by the name, style and title of "The Larrie's Creek plank road company," with power to construct a plank road from the West Branch canal, at or near the mouth of Larrie's creek, to the most practicable point on Little Pine creek, in Lycoming county, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, excepting that portion of the thirteenth section of the act first named relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of wheels in any case. Style. Location. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. one thousand five hundred shares, at twenty-five dollars per share: