

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1848.

IN THE

SEVENTY-SECOND YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG, PA.:

J. M. G. LESCURE, PRINTER TO THE STATE.

1848.

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UNIVERSITY OF PENNSYLVANIA

out having first obtained the consent of the owner, or having paid or given security to pay any damages they may do to such property.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

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

FRS. R. SHUNK.

No. 280.

### A FURTHER SUPPLEMENT

To an act, entitled “An Act to incorporate Kensington district of the Northern Liberties.”

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 all that part of the township of the unincorporated Northern Liberties, in the county of Philadelphia, beginning in the middle of Norris street and the west side of the Frankford turnpike road, and running thence northward along the said Frankford road to a point one hundred and twenty feet north of Lehigh avenue, as laid down in the plan of the county; thence crossing the said Frankford road, and continuing at the distance of one hundred and twenty feet north of said Lehigh avenue, and parallel therewith westwardly, to the west side of the Germantown turnpike road; thence southwardly and south-eastwardly along the same to a point opposite to the present north boundary line of Kensington district; thence crossing the said Germantown road, and along the present boundary line between Kensington and the Fair Hill estate, to the west side of the Frankford road, the place of beginning, shall be and become, and the same is hereby made a part of, and incorporated with the said Kensington district of the Northern Liberties, 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 applicable to the said district of Kensington, as at and before the passing of this act bounded and contained.

Boundary of Kensington district in the Northern Liberties, extended.

SECTION 2. That Malcom W. Taylor, Edward T. Tyson and Daniel Braddock, shall be commissioners to represent all that part of the township of the unincorporated Northern Liberties above described, and now hereby incorporated into the Kensington district, until the next general election in October; and that all that part of the said township, now incorporated into the said Kensington district, shall constitute one ward, to be called the Eighth ward; and at the next election for commissioners of the said district of Kensington, then shall be elected by the inhabitants of the said district, now enlarged as aforesaid, who are or shall be qualified voters according to law, in addition to the present

Commissioners appointed.

Erected into Eighth ward.

number of commissioners, three additional persons residing within the said district, now enlarged as aforesaid, and who shall be citizens of the same, to serve as commissioners of the said district of Kensington; of the three thus to be elected, one shall be elected for one year, one for two years, and one for three years; and annually thereafter the citizens of the said district shall elect eight commissioners to supply the seats of the commissioners whose term of office may be about to expire, and the commissioners thus elected, shall hold their seats for the term of three years, so that the board of commissioners, of the said district of Kensington, shall hereafter consist of twenty-four members.

**SECTION 3.** The elections in the said Eighth ward for judges, inspectors and assessors shall be held at the house now occupied by Michael Price, on the Frankford road, above Wood street: *Provided*, That nothing herein contained shall be so construed as to prevent the electors of the said Eighth ward from changing the place of holding ward elections, in the manner provided by the election laws of this commonwealth: *And provided further*, That the number of judges, inspectors and assessors shall be the same as are now elected in the other wards of the district.

**SECTION 4.** The officers whose duty it shall be to conduct the first election in the Eighth ward, created by this act, shall be appointed as follows: the judges chosen by the electors of the Sixth ward, shall appoint a judge to conduct the first election in the said Eighth ward, and each of the inspectors of the said Sixth ward, shall appoint an inspector for the Eighth ward, and the inspectors so appointed for the Eighth ward, shall appoint a clerk for the same.

**SECTION 5.** It shall be the duty of the commissioners of the county of Philadelphia, to furnish to the judges and inspectors to be appointed for the said Eighth ward, ballot boxes, blanks, forms and list of taxables, and so forth, the same as are now furnished to judges and inspectors of elections of the other wards within the said district of Kensington, and to pay to the said additional judges and inspectors and clerks, the same compensation as to other election officers.

**SECTION 6.** The commissioners of Kensington shall provide suitable accommodations for the voters of the said Eighth ward, at the general election on the second Tuesday of October next, at the Commissioners' Hall, and at every succeeding election thereafter; and they shall also provide seats and other accommodations for the three commissioners in this act named, in the same manner as the present commissioners are accommodated.

**SECTION 7.** That all proceedings now pending under the present laws for the opening of streets, or assessment of damages for the same, in that part of the said township of the unincorporated Northern Liberties, now hereby annexed to Kensington, shall not be vitiated by reason of anything herein contained, but the same shall be carried on to completion, as if this act had not been passed.

**SECTION 8.** That all the powers, rights and authorities mentioned and contained in a certain act of assembly, entitled "An Act to regulate the heights and levels of streets in part of the township of the unincorporated Northern Liberties," passed the sixteenth day of March, one thousand eight hundred and forty-seven, be and the same are hereby transferred to, and vested in the commissioners of the district of Kensington; and the plans, surveys and regulations of that part of the township aforesaid, made in pursuance of the said act, and which are divided into five parts or sections, with tables of level benches to each attached, and one copy of which said plans is now deposited in the office of the clerk of the court of quarter sessions of the peace of the

Elect commis-  
sioners.

Place of election.  
Proviso.

Proviso.

Appointment of  
election officers.

Duty of county  
commissioners.

Duty of district  
commissioners.

Proceedings in  
regard to streets  
not to be affected  
by this alteration.

Regulation of  
heights, levels  
and streets.

said county, be and the same is hereby declared to be a legal record thereof, and shall not be taken therefrom without an order of the said court; and the other or duplicate copy of the same, now in the care and custody of the commissioners in the said act named, shall be transferred to the board of commissioners of the said district of Kensington, to be by them deposited in such place as the said commissioners shall direct; and the commissioners named in the said act of assembly, are hereby superseded: *Provided*, That the commissioners of Kensington shall pay to the said commissioners named in the foregoing act of assembly, the expenses incurred by them for the plans, surveys and regulations; and the said commissioners of Kensington, shall also have full power and authority to collect and receive all the taxes that have been laid by the commissioners named in the said act of assembly, under the power vested in them to lay the same: *And provided further*, That the said expenses incurred in the said survey and regulations, and to be re-paid by the said commissioners of Kensington, shall not exceed the sum of sixteen hundred dollars.

SECTION 9. That the present trustees of the Fair Hill estate under the will of Joseph Parker Norris, and the trustees of Joseph Parker Norris, the younger, under said will, be and they are hereby authorized and empowered to grant, bargain and sell to the commissioners of the said Kensington district, in fee simple, for such consideration as they may think proper, and to be held for public use as a public green and walk forever, and to be used for no other use or purpose whatever, the plot or square of ground now called "Fair Hill square;" part of the said Fair Hill estate bounded by Lehigh avenue on the north, by Huntingdon street on the south, Fourth street on the east, and Apple street on the west; and also the plot or square of ground now called "Norris square;" part of the said Fair Hill estate bounded by Susquehanna avenue on the north, Diamond street on the south, Howard street on the east, and Hancock street on the west, and Clinton street as laid down in the plan of the county, running through the same from Susquehanna avenue to Diamond street, is hereby vacated: *Provided*, That the said commissioners of Kensington shall at all times hereafter keep the said two squares of ground properly enclosed and planted with trees for public squares and walks, for light, air and recreation forever: *And provided further*, That a majority of all the persons having a vested interest in the said two squares of ground, shall consent to such grant and dedication of the same as aforesaid; and such squares shall never be used for any other purpose whatever, and no building shall ever be erected thereon.

SECTION 10. That Tenth street, as the same is laid down in the plan of the county of Philadelphia, from its intersection with the Germantown road northward to Indiana street, running along the edge of the said Germantown road and Fifth street, from Huntingdon street to Lehigh avenue, are hereby vacated; and also Fidler or Tilgham street, from Harrison street to old Front street road; and the said old Front street road from Harrison street to its intersection with Frankford avenue, are also vacated; the said Fidler street and old Front street road not being laid down as streets or highways in the plan of the said county, as now established by law.

SECTION 11. That the property included in the said Eighth ward, shall not hereafter be assessed, or bound to contribute towards any tax whatever, in maintaining and repairing any roads or highways, other than those assessed by the district of Kensington.

SECTION 12. That the commissioners of the said Kensington district be and they are hereby authorized and empowered to construct steam,

Proviso.

Proviso.

Trustees of Joseph Parker Norris, authorized to sell to district, "Fair Hill square" and "Norris square."

Proviso.

Certain streets vacated.

Exempt from road tax.

Authorized to erect water works.

or other suitable works on or near to the river Delaware, at the foot of any of the public streets, or on the public landings of said district, or such other suitable location as they may deem expedient for the purpose of pumping up and supplying the said district, and any other districts in the said county and the inhabitants thereof, with water from the said river; and to pass such ordinances, resolutions and rules, as they may deem necessary and proper for the distribution, supply, use and protection of the said water, and the safety, security and protection of the said works and reservoirs, and for the collection of the water rents: *Provided*, That nothing contained in this section shall be construed to authorize the commissioners of the Kensington district to interfere with the location or construction of the works of any incorporated company, unless the assent of said company be first obtained.

To construct  
reservoir.

SECTION 13. That the commissioners of the said district shall have full power and authority to construct such reservoir or reservoirs, for the reception of the said water, as they may deem expedient; and also to lay such supply pipes from the said river and works thereto, as may be necessary or requisite along any public street or highway now laid out, or which may hereafter be laid out by law; and also to lay such pipes of conduit from the said reservoir or reservoirs, along any street or highway as aforesaid, as may be found necessary to connect the same with any of the pipes of conduit already laid down, or which may be hereafter laid down in said district: *Provided*, That the said commissioners shall not take any more of the said streets or highways than is absolutely necessary for the purposes aforesaid; and that all injury or damages done to the same, shall immediately thereafter be repaired by them.

Borrow money.

SECTION 14. That the commissioners of the said district be and they are hereby authorized and empowered to borrow from time to time, any sum or sums of money that they may judge necessary, for the purpose of erecting, constructing and maintaining the said works and reservoirs, and laying the necessary mains and pipes for the same, and for all other expenses incident thereto, and to pledge the faith of the district for the payment thereof; and all purchases or contracts for the purchase of any lot or lots of ground, and conveyance thereof, for the contemplated water works or reservoirs, be and the same are hereby ratified and confirmed: *Provided*, That the concurrence of two-thirds of the whole number of the said commissioners shall be essential to any law or ordinance authorizing such loan.

Erection of  
buildings regu-  
lated.

SECTION 15. That it shall not be lawful hereafter for any person, co-partnership or company, to erect or cause to be erected any frame or wooden building, tenement or other structure, at any point or place on or along Second street, in the district of Kensington, in the county of Philadelphia; and any person, co-partnership or company, who shall be convicted of having erected, or having caused to be erected any frame or wooden building, or other structure of whatsoever kind, on said street, or of re-building the same, shall, for every such offence, be adjudged to pay a penalty of two hundred dollars, one half for the use of any person who may sue for the same, and the other half for the use of the commissioners and inhabitants of the Kensington district; and the said commissioners of the Kensington district shall have power at any time hereafter, to appoint one person to serve as solicitor of said district, who shall have been a bona fide resident of said district for the term of one year preceding the time of his election or appointment by said commissioners; and any election or appointment made contrary to

Appoint solicitor.

the provisions of this section, shall be deemed and taken to be illegal, and of no force or effect.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

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

FRS. R. SHUNK.

No. 281.

A FURTHER SUPPLEMENT

To the act, entitled “An Act to incorporate the Swatara and Good Spring Creek railroad company,” passed April second, Anno Domini one thousand eight hundred and thirty-one.

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 the persons who shall have transported over the said Swatara railroad, more than one-half of the whole amount of coal which has during the year then last past, been transported over said road, shall present a requisition, duly signed by them, to the president and managers of said railroad company, expressing their desire that locomotives and tenders be placed upon said road, and if the president and managers of said company shall deem it expedient to use locomotive engines and tenders on the said railroad, or the branches or lateral railroads thereof constructed, or which may hereafter be constructed by said company, for the conveyance of coal, passengers, merchandize or other commodities, or to permit the same to be done by others, the said president and managers shall have authority so to do, and to make such regulations concerning the same, as may be necessary, with like penalties for any infraction thereof, and remedies for the recovery of the same, as are now or hereafter may be prescribed by law in regard to the use and regulation of the motive power on the railroads of this commonwealth, or of any of the incorporated companies thereof; the said company shall have the right to charge, for the use of the motive power provided by them or their agents, at a rate of not exceeding one and a-half cents per ton per mile on coal, two cents per ton per mile on merchandize and other commodities, and not exceeding three cents per mile for every passenger which may be conveyed by the motive power employed on the said railroad as aforesaid, exclusive of the tolls now chargeable; all tolls for fractions of a mile to be charged for a mile: *Provided,* That nothing herein contained shall prevent the said company from discontinuing the use of said locomotive engines at any time after giving two months’ public notice thereof: *Provided further,* That no charge shall be made for the haulage of the empty coal cars, and that the coal

To place motive power on said road.

Regulate motive power.

Tolls.

Proviso.

Proviso.