

L A W S

20024-46

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

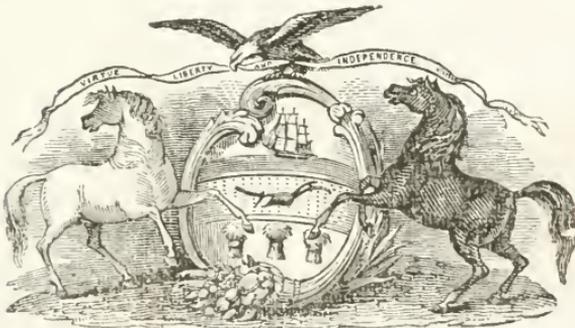
PASSED AT THE

SESSION OF 1853,

IN THE

SEVENTY-SEVENTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:
THEO. FENN & CO., PRINTERS TO THE STATE.
1853.

in a certain case; relative to the service of process in certain cases; to party walls in Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the relief of certain sureties in Erie county; to the State Lunatic Hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies;" and the supplements thereto, be and the same are hereby extended to Allegheny county.

Name of Wash-
ington Guards
changed.
Proviso.

SECTION 8. That from and after the passage of this act, the "Washington Guards," a volunteer infantry company in Cambria county, shall be hereafter called the "Washington Rifles": *Provided*, That all acts done under the former name of the Washington Guards, shall not be effected in any manner by this act, and the said corps shall enjoy all the advantages in point of date or age as if this act had not been passed.

Commissioners
to lay out a
State road.

SECTION 9. That E. Menhoff, William Purviance, of Butler county, and James A. Gibson, of Allegheny county, be and they are hereby appointed commissioners to review and lay out so much of that part of a State road running from the Great Western iron works, as lies between the road leading from the Glade Mill to Freeport, at Niblock's meeting house, to the house of Alexander Caslie, junior, on the Bakers-town road, on the nearest and most practicable route.

Canoe township
York county;
place of holding
elections
changed.

SECTION 10. That the qualified voters of the township of Canoe, in the county of York, shall hereafter hold their township and general elections at the house now occupied by Doyle P. Hazleton, and owned by Henry Sidle, in the borough of Dillsburg, in said township.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 263.

AN ACT

To empower the city authorities of Reading to widen certain streets; supplementary to an act entitled "An Act authorizing the Governor to incorporate the Reading Water company," approved March sixteenth, eighteen hundred and nineteen; and supplementary to the poor laws of the city and districts of Philadelphia.

Third street,
Reading, part

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 mayor, alderman and citizens of Reading are hereby authorized and required to widen that part of Third street extending from Penn street

to Franklin street, in said city of Reading, so that the same shall have of to be
 a uniform width of sixty feet, and the said mayor, aldermen and citizens widened.
 of Reading are authorized and empowered to take down, remove and
 clear away all buildings, walls, fences and erections and obstructions of
 any description whatever, now being in that part of said street men-
 tioned within the lines or limits of said width of sixty feet.

SECTION 2. That the said city authorities are further authorized and
 required to widen that part of the extension of Fifth street north of
 Walnut street, between Walnut street and first Hockley lane, in the said
 city of Reading, or so much thereof as they may deem proper, and re-
 move all obstructions therefrom, so that the same shall have a width of
 eighty feet, uniform with said Fifth street: *Provided nevertheless*, That
 the said city authorities shall forthwith, before widening the said street
 or streets as aforesaid, proceed in the manner prescribed by the existing
 laws in the case of road damages in said county, and pursuant thereto
 to have ascertained and assessed all damages, if any, that may arise
 therefrom to private property, and upon the confirmation of the report
 of the viewers of damages, if, in the opinion of the said city authori-
 ties the amount of damages arising from the widening of said street
 or streets shall be so small as to justify the expense of widening the
 same, they shall so decide and widen the said street or streets, or either
 of them, otherwise not: *Provided further*, That said damages, if any,
 shall be paid out of the treasury of the city of Reading.

Fifth street,
 Reading, part
 of to be
 widened.

Proviso.

Proviso.

SECTION 3. That said Third street, and said Fifth street, on being
 so widened as required by this act, shall be deemed and taken to be
 public highways, of a uniform width of sixty feet and of eighty feet
 respectively.

SECTION 4. That the Reading water company shall have power and
 are hereby authorized from time to time hereafter, as they shall deem
 necessary, permanently to appropriate to their use such spring or
 springs, stream or streams of water, as they may select for the purpose
 of bringing into the city of Reading an additional supply of water, and
 any damage sustained by the owners of land upon which such spring
 or springs, stream or streams of water is or are situated, or through
 which it or they shall flow, by reason of the permanent appropriation
 as aforesaid, shall be ascertained, and compensation made in the manner
 hereinafter provided for: *Provided*, That in case said company have
 already permanently appropriated to their use any spring or springs,
 stream or streams of water, as aforesaid, the injury committed or damage
 done shall be considered as falling under the provisions of this act.

Reading water
 company, auth-
 orized to appro-
 priate springs,
 &c.

Compensation
 to be made for
 damages.

Proviso.

SECTION 5. That from and after the passage of this act, in lieu of
 the remedy or remedies provided by the seventh section of the act to
 be ascertained
 and settled.
 which this is a supplement, or by action of trespass, or on the case at
 common law, for damages or injuries done or committed by said com-
 pany by the permanent appropriation of springs or streams of water,
 or the construction of other works by said company; in case the par-
 ties cannot agree upon the compensation to be made for damage or
 injury done or committed as aforesaid, it shall and may be lawful for
 either of the parties, after giving at least twenty days notice, in writing,
 to the opposite party, to apply by petition to the court of common
 pleas of Berks county, and said court shall thereupon appoint a jury
 of six disinterested men, whose duty it shall be to ascertain and report,
 under oath or affirmation, to the court, what damages, if any, have
 been sustained by the owner or owners by reason of the permanent
 appropriation of springs or streams of water, or the construction of
 other works by said company, as aforesaid, which report being con-
 firmed by the court, judgment shall be entered thereon, and execution

may issue in case of non-payment for the sum awarded, with reasonable costs, to be assessed by the court; and it shall also be the duty of the jury in ascertaining the damage done, as aforesaid, to take into consideration the advantages derived, or likely to be derived, by the owner or owners of the premises from the vicinity of said works to the same: *Provided*, That the jurors aforesaid, shall receive the same pay and mileage as are now allowed by law to jurors summoned to attend the court of common pleas of Berks county: *And provided further*, That the jury in making up their report, shall take into consideration not only injuries already done, or damages already suffered, but also the injury likely to be done, or the damages likely to be suffered in future, from said permanent appropriation of springs or streams of water, or the works of the company, as aforesaid, or by the keeping up, continuance, and necessary repairs of the same, and the payment of the sum of money finally assessed and reported by the jury, as aforesaid, shall be a bar, and may be so pleaded to any action at law or any other proceeding whatever, in equity or otherwise, brought or instituted thereafter to recover damages for the said injuries caused by the said permanent appropriation of springs or streams of water, or other works, as aforesaid: *And provided also*, That either party shall have the right to appeal from the award of the jury, as aforesaid, to the court of common pleas of Berks county, in the same manner, and upon the same terms, and subject to the same conditions, as in cases of appeals from the award of arbitrators under the compulsory arbitration law of the Commonwealth of Pennsylvania.

Proviso.

Proviso.

Proviso.

Proceedings,
when to be
commenced.

SECTION 6. That all proceedings under the section of this act for the recovery of damages for the injuries committed by the said company before the passage of this act, shall be commenced within six years next after the passage of this act, and not after, and for all injuries committed by said company after the passage of this act, proceedings as aforesaid shall be commenced within six years next after the injury or injuries shall have been committed, and not after.

Provisions of
any act incon-
sistent here-
with, repealed.

SECTION 7. That all the provisions of the former act and its supplements, which are inconsistent with the provisions of this supplement, or which are herein altered or supplied, are hereby repealed and made null and void.

Mode of issuing
warrants rela-
tive to the poor
of Philadelphia,
changed.

SECTION 8. That so much of the sixth section of the act of the thirty-first of March, one thousand eight hundred twelve, entitled "An Act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties," as requires the warrant therein provided for to issue before two aldermen or justices of the peace be and the same is hereby repealed, and any one alderman or justice of the peace is hereby authorized and empowered to issue the said warrant; and that all further proceedings under the said section of the said act, and under the further supplement passed the fourteenth day of March, one thousand eight hundred and fourteen, may be as fully and effectually had before one judge of the court of common pleas holding a court of quarter sessions for the county of Philadelphia, as they are now had before two judges of the said court.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.