Pennsylvania, Laws, Statutes, etc.

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

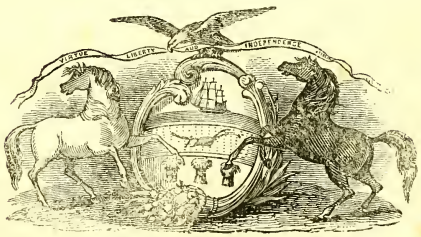
PASSED AT THE

SESSION OF 1851,

IN THE

SEVENTY-FIFTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:
THEO. FENN & CO., PRINTERS TO THE STATE.
1851.

SECTION 8. That the dividends of so much of the profits of the company as the directors may deem advisable shall be declared twice in every year, and paid to the stockholders or their legal representatives on demand at any time after the expiration of ten days therefrom; but such dividends shall in no case exceed the actual profits of the company for the time being; and it shall be the duty of the directors to keep fair minutes of their proceedings, together with full accounts of all receipts and disbursements of moneys which shall be accessible to the inspection of the stockholders, and at least once in each year to present a statement of the affairs of the company to the stockholders at a general meeting for that purpose. Dividends.

SECTION 9. That the said company shall pay to the treasurer of this Commonwealth one per centum on the amount of the capital stock in four equal annual payments, the first to become due and payable on the first Monday in July next. Tax.

SECTION 10. That this act shall continue in force for the period of twenty years from the passage thereof; but if the said company shall at any time contracts debts to a greater amount than the capital subscribed it shall forfeit its charter, and its corporate powers shall cease and determine; and it shall be lawful for the Legislature to alter or amend the charter hereby created: *Provided however*, That no injustice shall be done to the corporators. Continuation of this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 237.

AN ACT

To open and extend an alley in the city of Allegheny, and in reference to the grading and paving of streets in said city; also relative to a street in South Pittsburg, and courts and alleys in the borough of Pottsville, in Schuylkill county, and relative to a bridge across the Swatara creek, near Hummelstown, Dauphin county, legitimatizing Franklin William Lehman, of Lebanon county; confirming title of certain real estate to James Patterson, and relative to the collection of water rents in the city of Allegheny, and to billiard rooms in the county of Tioga.

WHEREAS, An alley twenty feet wide, situate equi-distant between Federal street and Pitt alley in the city of Allegheny, extending from Gay alley to within sixty feet of Water alley, in said city, has been laid out by the owners of the property through which it passes; Preamble.

And Whereas, It is represented that the opening and extension of said alley to said Water alley is necessary for public use; therefore,

Relative to a certain alley in Allegheny city.

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 Court of Common Pleas of Allegheny county, on petition of any number of the citizens of Allegheny city, shall appoint five disinterested persons who shall meet on at least five days' notice, and if any three or more attend they shall view the premises through which it is proposed to extend the said alley, situate in the said city, equi-distant between Federal street and Pitt alley, extending from Gay alley to within sixty feet of said Water alley, and if any three of those attending being first duly sworn or affirmed to perform the duties imposed upon them by this act with fidelity, shall decide that the opening and extension of said alley to Water alley is necessary for public use, and ought to be so opened and extended, they shall proceed to lay out the said alley, having regard to the width said alley now is from a point where said alley now terminates, to Water alley aforesaid, and they shall assess the damages done to any lot or lots, taking into consideration the advantages accruing as well as the injury done, and shall charge the damage so done upon the lots or parts of lots so benefitted, according to a fair estimate of the benefit conferred on each lot, and designating the person to whom such damage is done and payable; and if a sufficient number do not meet to act, or if they cannot agree, the court may at any time appoint others, and the said viewers shall make report to court, and if approved by the court said report shall be entered of record, and if said viewers shall report that the said alley ought to be opened and extended as aforesaid, it shall thenceforth be deemed and taken to be a lawful public alley, and the said viewers shall give the said alley any name they may think proper; the said damages so assessed in opening the said alley shall, to all intents and purposes, be a lien against the lot or lots upon which they may respectively be assessed, and the same shall be recoverable by writ of scire facias in the name of the Commonwealth, for the use of the person in favor of whom such damages are assessed, as debts secured by mortgage are now by law recoverable; such scire facias to be issued so soon as the court shall confirm the said report.

Damages, how adjusted.

Further provisions relative to damages.

SECTION 2. As soon as the costs and the damages so assessed shall be paid unto the person or persons in whose favor the same shall be awarded, or into the said court by any individual or individuals, the prothonotary shall so certify to the said court, and the court shall order said alley to be opened by the street commissioner of the city of Allegheny.

Council of the city of Allegheny authorized to grade and pave streets, &c.

SECTION 3. That the councils of the city of Allegheny shall have power by ordinance to grade and regrade, pave and repave, or Macadamize any permanent street, lane, or alley or sidewalk, or any part thereof by or without petition, as provided for in a supplement to the act entitled "An Act to incorporate the city of Allegheny, regulating streets in the city of Pittsburg, and authorizing the town council of Monongahela city to collect wharfage," approved April fifth, one thousand eight hundred and forty-nine, and they shall have power to levy and collect a special tax to defray the expenses thereof as is provided for in the former act, and that so much of said act as inconsistent herewith is hereby repealed.

Borough of South Pittsburg required to keep a certain road in repair.

SECTION 4. That the borough of South Pittsburg in the county of Allegheny, shall be required to keep in repair all that portion of the public road between the Monongahela bridge and the junction of the Birmingham turnpike and the Coal Hill turnpike roads, and exercise over said road all the control of a public street of said borough.

Council of the borough of Pottsville required to open a certain alley.

SECTION 5. That the town council of the corporation of the borough of Pottsville are hereby enjoined and required to lay out, enlarge, and open a twenty-feet wide alley from Union street between Centre and Second street, thence running southwardly and parallel to Centre street to an alley running from Centre to Second street, between the property of Joseph S. Silver and the property late of James Donnelly, deceased, the centre of said alley to be at the distance of one hundred and sixty feet westwardly from Centre street in said borough.

Said council authorized to enlarge and open a certain alley.

SECTION 6. That the town council of the corporation of the borough of Pottsville, in the county of Schuylkill, shall have the power and authority and it is hereby enjoined and required to lay out, enlarge, and open a certain court or alley in the said borough now partly laid out and opened through the square or block of ground bounded on the north by East Market street or Contention alley, on the south by Norwegian street, on the west by Centre street, and on the east by Railroad street, so that the said court or alley shall be laid out and opened of the width of twenty feet through said block or square of ground and in a line with Logan street from said East Market street or Contention alley to Norwegian street in the borough aforesaid: *Provided*, That any damages which may be sustained by the owner or owners of any of the lots of ground through which the said courts or alley mentioned in this and the foregoing section shall pass, shall be assessed and adjusted agreeable to the provisions of the second section of the act of the General Assembly of Pennsylvania, passed the fourteenth day of March, Anno Domini, one thousand eight hundred and fifty, entitled "An Act to authorize the town council of the borough of Pottsville to open and enlarge Logan's court, and to open and enlarge an alley between Second and Centre street in the borough of Pottsville, Schuylkill county, in relation to streets in Freeport and Easton, and in relation to a private railroad in Phœnixville, and to vacate a certain road in the borough of Northumberland."

Bridge near Hummelstown, Dauphin county, transferred to said county.

SECTION 7. That all the rights and privileges reserved by this Commonwealth in the eighth section of the act of the seventeenth of February, one thousand eight hundred and eighteen, entitled "An Act to authorize John Ernst and Samuel Sherer to erect a toll bridge over Swatara creek at or near the place usually known by the name of 'Ernst's' or 'Sherer's' ferry in the county of Dauphin, so far as the same relates to the appointment of viewers and the extinguishment of the right to take tolls on said bridge over the Swatara creek near Hummelstown," be, and the same are hereby transferred to and vested in the commissioners of the county of Dauphin, for the use of the county of Dauphin, and whenever the *viewsers*, or any four of them, appointed agreeably to the provisions of said act, shall have examined and estimated the value of said bridge as provided in said act, and certified the amount thereof to the said commissioners, they shall if they approve of the same draw their warrant on the treasurer of the county of Dauphin for the amount thereof, and whenever the amount so certified shall be paid to the person or persons entitled thereto, their right to take toll on said bridge shall cease and determine and be vested in the county of Dauphin, and be entered on record as a county bridge.

Franklin William Lehman legitimated.

SECTION 8. That Franklin William Lehman, son of William Lehman, of Jackson township, Lebanon county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

Title to certain real estate confirmed to James Patterson.

SECTION 9. That a certain deed executed by William Youdon, and Nancy his wife, of Allegheny county, conveying to James Patterson, of said county, certain lands in the county of Washington, more particularly described in said deed, which deed was ordered by the court of Common Pleas of the said county of Washington, on May twenty-sixth, A. D., one thousand eight hundred and forty-two, to be entered of record as sheriffs deeds are entered, be construed, deemed, and taken to be good and effectual for barring all entails of whatever kind, and for conveying to the said James Patterson, his heirs and assigns, an absolute fee simple estate in said lands.

Collection of water rents in the city of Allegheny regulated.

SECTION 10. That from and after the passage of this act all assessments of water rents in the city of Allegheny, on any house or houses, manufactory or manufactories, or other tenement or tenements whatever, or any part or parts thereof separately occupied in the said city, shall be made on the same in the name or names of the person or persons occupying the premises at the time of said assessment, and also in the name or names of the owner or owners thereof (if such occupant or occupants be not the owner or owners), and the names of such occupants or owners shall be entered on the assessment book in separate *colums*, opposite to the description of the premises assessed, and if such water rent so assessed shall not be paid to the collector thereof by the person or persons occupying the premises on which the same is charged, within two weeks after payment of the same shall have been demanded of the person or persons occupying such premises, by the collector, it shall and may be lawful for the said collector to collect the amount of said water rent assessed on said premises for the then current year by distress and sale of the goods and chattels of any person or persons occupying such premises, whenever the said water rent so remaining unpaid shall have been charged and assessed, in the same manner as city taxes are collectable; and the provisions of the act of the ninth of April, A. D., one thousand eight hundred and forty-nine, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent, shall not be construed to apply to such water rents; and if such collector cannot find on the premises sufficient goods and chattels liable to distress to pay said water rent assessed thereon, he shall (at least thirty days before the expiration of the year for which such water rent shall have been assessed) give a written or printed notice to the owner or owners of such premises of the amount of said water rent assessed thereon, and then remaining due and unpaid, and that he, the said collector, has demanded payment thereof from the person or persons occupying the premises charged therewith, and has not received the same, and that he has not been able to find on said premises sufficient property to pay said water rent, and that if said water rent be not paid within ten days after the service of said notice, suit will be brought against such owner or owners for the recovery of said water rent so remaining unpaid, and the facts set forth in said notice shall be verified by the affidavit of such collector annexed thereto; and if the said owner or owners shall not within ten days after the service of such notice so verified as aforesaid, pay to the said collector the amount of the unpaid water rent specified and mentioned therein, or shall not point out and shew to the said collector sufficient property on said premises liable to distress to pay the same, then the said owner or owners in whose name or names the said water rent so remaining unpaid shall have been assessed, shall be personally liable to pay the amount thereof so remaining unpaid, and of which notice shall have been given as aforesaid; and the same may be recovered from such owner or owners by suit in the name of

the mayor, aldermen, and citizens of Allegheny, as other debts of like amount are or shall be by law recoverable: *Provided*, That in all cases when different parts of the same tenement, building, &c., are separately occupied by two or more tenants or occupants, the water rent shall be separately assessed on the part or parts occupied by each of them, and the property of every such tenant or occupant shall be liable to distress and sale only for the rent assessed for the then current year on such part of said tenement or building as is occupied by him, her, or them, and no more: *And provided also*, That nothing herein contained shall be construed to take away or in any-wise impair the right of the said city of Allegheny to enforce the payment of said water rent by detaching the ferrule in case of non-payment, or by any other legal mode which now is or hereafter may be prescribed and provided by the ordinances of said city: *And provided also*, That if any such collector of water rents shall have good reason to believe that any person or persons occupying premises charged with water rent is about to leave such premises without paying the rent assessed on the premises occupied by him, her, or them, such collector may proceed immediately to levy and collect the same by distress and sale of the goods and chattels of such person or persons so about to leave, as hereinbefore provided.

Billiard rooms, &c., in Tioga county.

SECTION 11. That the nineteenth section of the act entitled "An Act to create a sinking fund and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," shall not be so construed as to authorize the granting of a license to any person or persons to keep any billiard room, bowling saloon, or ten-pin alley in the county of Tioga.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 238.

AN ACT

To incorporate the village of Waymart, in the county of Wayne, into a borough, and relative to elections in the city and township of Carbondale, Luzerne county.

Boundaries.

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 village of Waymart, in the county of Wayne, and the territory included within the following boundaries, to wit: Beginning at the south-east corner of lot numbered twenty-seven on a draft or plot of the allotment of a tract of land called "Elkforest," thence south