

Pennsylvania. Laws, statutes, &c.

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1841.

IN THE

SIXTY-FIFTH YEAR OF INDEPENDENCE,

INCLUDING ONE ACT PASSED BY BOTH BRANCHES OF THE LEGISLATURE, AT THE
SESSION OF 1840.



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[No. 102.]

A N A C T

To compel the Supervisor of the unincorporated District of the Northern Liberties, in the county of Philadelphia, to give security, and for other purposes.

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 before any supervisor elected for the unin-

Supervisor of N. L.—how bound in security
Amount
corporated district of the Northern Liberties, in the county of Philadelphia, shall enter on the duties of his office, he shall be bound by recognizance with two or more sufficient sureties, inhabitants and citizens of said district, to be approved by the judges of the court of common pleas for said county, in the sum of three thousand dollars, payable to the Commonwealth, in trust for the use and benefit of the said unincorporated district, or of all and every person or persons, who may be injured or aggrieved by reason of the neglect, default or other improper conduct of such supervisor, in the execution of the duties of said office.

Accounts—how settled
SECTION 2. That every supervisor, for the district aforesaid, at least ten days before the election for supervisors in said district, shall have all his accounts duly settled according to law, and shall publish them in two daily newspapers published in the city or county of Philadelphia, for the period aforesaid, together with the certificate of the settlers of the same; and also paste up at least twenty hand-bills of the same, in the most conspicuous places of said district, and one of which shall be at the house where the election is usually held.

Supervisors apt'd by court subject to like conditions
SECTION 3. That the supervisor or supervisors appointed by the court of quarter sessions, by virtue of the third section of the act passed the sixth of April, one thousand eight hundred and twenty-two, to which this is a supplement, shall be liable to the same conditions in every respect, as are provided by the preceding sections of this act.

Penn township—election of officers, &c
Supervisors
SECTION 4. That all the provisions of the act of assembly of the fifteenth of April, one thousand eight hundred and thirty-four, relating to counties and townships, and county and township officers, shall be construed and taken to apply in all its provisions to Penn township, (unincorporated) in the county of Philadelphia, and that hereafter the township officers as therein provided for, shall be elected in pursuance of the provisions of said act. That the supervisors or commissioners of roads for said township, shall hereafter be designated “super-

visors of roads," as provided by the act aforesaid; and that all the official acts of the said supervisors or commissioners aforesaid, shall be held and taken to be good and valid, notwithstanding any irregularity which may have existed, or taken place in the manner of their election, or title by which they were elected, or under which they may have acted: *Proviso* *Proviso* *ded*, Such acts have not otherwise been contrary to law. That Edward T. Tyson, Godfrey Bender, two of the parties holding under previous elections, and George Esher having received the highest popular vote at the late election, held the third Friday of March, one thousand eight hundred and forty-one, be *Former election declared valid* and are hereby declared to be the supervisors of roads, for the township of Penn, as aforesaid, from the third Friday of March as aforesaid; and that the said Edward T. Tyson shall hold the said office for one year, Godfrey Bender for two *Supervisors classed* years, and George Esher for three years, from the date last aforesaid, and that hereafter the qualified citizens of said township, shall annually elect one supervisor as aforesaid, who in *One supervisor elected annually* conjunction with the two remaining in office, shall form and constitute the board of supervisors of said township, according to the act of assembly of the fifteenth of April, one thousand eight hundred and thirty-four, as aforesaid; and all other acts or parts of acts, having any relation to the said township as aforesaid, so far as relates to the election of officers, as aforesaid, be and hereby the same are repealed.

SECTION 5. That whenever any street or alley shall be ordered to be pitched, paved, or curbed, or the conduit pipes *Pitching and paving streets &c in Moyamensing* laid therein, within the township of Moyamensing, in the county of Philadelphia, it shall be lawful for the commissioners of said township, to authorize any person or persons to contract with the owner or owners of property, fronting on any of the streets or alleys aforesaid, for the materials and labor necessary for the pitching, paving, and curbing of, or the laying of the conduit pipes in such streets or alleys, which person or persons shall have the same power and authority to collect the debts so contracted for and becoming due, as is now by law given to the said township.

SECTION 6. That the provisos to the second section of the *Philadelphia ice company* act entitled "an act to incorporate the Philadelphia ice company, and for other purposes," passed the fourth day of April, one thousand eight hundred and thirty-seven, which prohibit the said company from charging the price of its ice, under certain *change price of ice* circumstances, be and the same are hereby repealed: *Proviso* *Proviso* *ded*, That the said company shall not increase the price of ice, after the said publication in March.

SECTION 7. The property and estate of the indigent wid- *Indigent widows* ow's and single women's society of Philadelphia, shall hereafter be exempted from taxation.

SECTION 8. That the immunity from taxation now enjoyed

St Paul R. C. by the Saint Paul's Roman Catholic orphan asylum of the city of Pittsburg, under the terms of the charter granted at the last session of the legislature be, and the same is hereby extended to all assessments made, or hereafter to be made for school or state purposes.

NESCOPECK BRIDGE COMPANY TO COMPLETE BERWICK HYDRAULIC WORKS.

SECTION 9. The president, managers, and company, for erecting a bridge over the river Susquehanna, at the falls of Nescopeck, shall, and they hereby have the authority to purchase of the Hydraulic company of the borough of Berwick, in the county of Columbia, all the works of said Hydraulic company, and to complete the same, and have and enjoy all the rights and privileges, and be subject to all the restrictions of said Hydraulic company: *Provided*, That if any stockholder or stockholders in said Bridge company, shall give notice in writing, to the president or secretary of said company, on or before the first day of August next, setting forth that such stockholder or stockholders, do not wish to be connected, or but partially connected with said Hydraulic works, that it shall be lawful for such stockholder or stockholders, to hold his, her, or their stock, or any number of shares thereof in said bridge, separate and apart from said Hydraulic works, in the same manner as the same was held prior to the passage of this act.

BRIDGE COMPANY TO PROCEED TO IMMEDIATE COMPLETION

ACCOUNTS HOW KEPT

DIVIDENDS

SECTION 10. It shall be the duty of the president and managers of said Bridge company, to proceed immediately after the purchase of said Hydraulic works, to the completion thereof, and the secretary and treasurer of said Bridge company, shall keep separate sets of books and accounts, the one of which shall contain a full and correct statement of all the business, charges, expenses, etcetera, of said bridge, and the other of said Hydraulic works, so that persons who may not be interested or but partially interested, in such Hydraulic works, may receive their dividends, be charged with expenses, etcetera, from said bridge, upon the same, without reference to said Hydraulic works.

LOCK-UP HOUSE IN MUNCY TO BE ERECTED

PROVISO

SECTION 11. That it shall be the duty of the commissioners of the county of Lycoming, to erect a suitable building in the borough of Muncy, in said county, to be used as a lock-up house or place of security, for the temporary detention of persons committed by a justice of the peace of said county, for any violation of the laws of the Commonwealth, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept, until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law: *Provided*, that no person committed by a justice of the peace, shall be confined in said house for a longer period than twenty-four hours.

EXPENSES HOW PAID

SECTION 12. The amount of money expended in the erection of said building, shall be paid out of the county treasury,

on warrants drawn by the commissioners; and after the said building shall be completed, the burgess and town council of said borough, shall take possession of and support the same without charge to said county.

SECTION 13. That all and every the provisions and limitations of the sixth section of the act, entitled "A further supplement to an act entitled 'An act for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly,'" passed the twenty-sixth day of March, seventeen hundred and eighty-five, be and the same are hereby extended to all and every suit brought, or that may be brought, to recover a greater rate of interest than six per centum, or any penalty or forfeiture under any of the provisions of the act of the twelfth of April, one thousand eight hundred and twenty-eight, entitled "An act concerning small notes for the payment of money."

Limitation law of 1785 extended to suits for penalties for issuing small notes

SECTION 14. That John N. Conyngham, executor of the last will and testament of Eleanor M'Call, late of the city of Philadelphia, deceased, and Joseph Swift, executor of the last will and testament of Mary M'Call, late of the same city, deceased, (the said Eleanor and Mary having been, in their life time, the survivors of their three sisters, Isabella, Margaret and Catharine,) be hereby authorized to sell at public or private sale, as to them shall seem most conducive to the interest of said estate in their hands, all the right, title, interest and claim, of them the said decedents, Eleanor and Mary, or either of them, at the time of their respective deaths, of, in and to any real estate, or ground rents, lying, being and situated within the city or county of Philadelphia, and to convey the same by deed or deeds, to the purchaser or purchasers, so soon as such sale or sales shall be confirmed by the orphans' court of Philadelphia: *Provided*, That before such confirmation takes place, the said several executors shall give bonds with such security as the said orphans' court shall judge proper, conditioned for the faithful appropriation and distribution of the proceeds of such sales, according to the provisions of the said several last wills and testaments. It being understood, however, that the said respective executors are each one to act only in reference to the estate and interests of his proper testatrix.

J. N. Conyngham and Joseph Swift, Executors of E. and M. M'Call, to sell real estate

Provide Distribution of proceeds

SECTION 15. WHEREAS, The fifth section of the act of the sixth of April, Anno Domini, one thousand eight hundred and thirty-one, authorizes the canal commissioners to assess damages in cases of injury done to private property by reason of the construction of the Pennsylvania canal, where the same passes through the private property of individuals, or where materials have been taken for such canal;

Canal commissioners to assess damages of Burke, Mattess and Burke & Son on Del. div. Pa. Canal

And whereas, It is represented to the legislature that by reason of the construction of the new dam, during the last summer, across the Lehigh, damage was done to private pro-

perty of the several individuals hereinafter named, and the canal commissioners allege want of jurisdiction in consequence of the words "passing through" being only used in the said section of the act aforesaid—for remedy whereof; therefore;

That the canal commissioners be and they are hereby authorized to view and assess the damages sustained by Joseph Burke and Philip H. Mattess, in his own right or in trust, as the case may be, and also by Joseph Burke and son, by reason of the construction of the dam aforesaid, if the same was occasioned thereby, taking into consideration the advantages, if any derived by the said persons, severally, from the location and construction of the said canal, and to draw their warrant on the state treasurer in favor of the said parties for the sums respectively awarded them, to be paid out of the damage fund. *Provided*, That if the said canal commissioners shall not be satisfied that the damage done to said property was occasioned by the construction of the dam aforesaid, then no damages shall be awarded. *And provided further*, That the parties above named shall have the right of appeal to the board of appraisers, agreeably to the provisions of the sixth section of the act aforesaid, in the event of their being dissatisfied with the sum awarded by the canal commissioners.

Proviso

2d proviso

Also of M. E.
Church at
Jersey Shore

SECTION 16. That the canal commissioners be and they are hereby authorized and empowered to inquire into the damage done to the building of the Methodist Episcopal Church, in the town of Jersey Shore, in the county of Lycoming, by means of the construction of the West Branch canal; and if they find that the said building was injured or destroyed by reason thereof, and that there was no default or negligence on the part of the owners thereof, and that said damages have never been compensated, then to allow such sum therefor, as, taking all the circumstances into consideration, they and the advantages derived from the public works, they shall deem right and just, and draw their warrant for the same on the state treasurer, to be paid out of the damage fund.

Heirs of
Chrs't Norr-
man to inherit
estate of Ann
Ottinger and
legitimized

SECTION 17. That the children and heirs of Christopher Norman, a natural child of Ann Ottinger, deceased, widow of Christian Ottinger, late of Montgomery county, deceased, shall be able and capable, in law, to inherit and transmit the estate of the said Ann Ottinger, deceased, and any other estate as fully and completely, to all intents and purposes, as if the said Christopher Norman had been born in lawful wedlock, and said children and heirs shall enjoy all the other rights, benefits and advantages of children whose ancestors were born in lawful wedlock.

SECTION 18. The collector of tolls on the Juniata Division of the Pennsylvania canal, at Huntingdon, be and he is hereby authorized and required to settle and adjust the debts yet remaining due and owing to individuals, on account of

repairing the breach of eighteen hundred and thirty eight, in the said canal, between Huntingdon and Hollidaysburg, including the debts due on the check rolls of December, eighteen hundred and thirty-eight, and January, eighteen hundred and thirty-nine, and all other debts due to individuals on account of said breach, contracted or created during the months aforesaid, and the secretary of the commonwealth is hereby authorized and directed to pay to the said collector the sums so adjusted by him, as they shall be required for the payment of the said claims, out of the money he was authorized to receive from the Girard Bank, by the fourth section of the act relating to the public improvements, passed the eleventh of June, eighteen hundred and forty, and the state treasurer is hereby authorized and directed to receive from the former disbursing officers on the Huntingdon breach, the amount of such balances as may remain in their hands unexpended, and pay the same into the state treasury to the credit of the damage fund.

Collector of
tolls on Junia-
ta div. to settle
repairs of
breach in 1838

Sec'y Com-
monwealth to
pay to Collec-
tor money f'm
Girard Bank

SECTION 19. That the auditor general is hereby directed to draw his warrant on the state treasurer for the sum of two hundred dollars, in full compensation for services rendered by William H. Hood, in the quarter master general's department during the year one thousand eight hundred and thirty-nine.

W. H. Hood
certain pay

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—The twenty-first day of April, eighteen hundred and forty-one.

DAVID R. PORTER.

[No. 103.]

AN ACT

To exempt from taxation, the property of the overseers of the Public School, founded by charter, in the town and county of Philadelphia, in Pennsylvania, and for other purposes.

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 property of the overseers of the public school, founded by charter, in the town and county of Philadelphia, in Pennsylvania, which is now, or may hereafter be held in trust or otherwise, by them for the gratuitous instruc-

Property pub-
lic school—
Philadelphia
co—exempt
from taxation