

Pennsylvania, LAWS, statutes, etc.

L A W S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

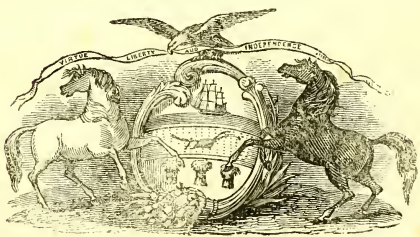
PASSED AT THE

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.

and others, having just claims against the Norristown and Valley railroad: *Provided*, That such claims be presented within three months from the passage of this act.

SECTION 6. That the directors of said company shall have full power and authority, and they are hereby required, upon the application of either of the above named parties, and others, to issue to them such amount of stock as they are justly and equitably entitled to under the general provisions of the act above recited.

SECTION 7. That it shall and may be lawful for said company to extend their said railroad by branches or otherwise to any mines, quarries, mills, or manufactories, on or near to the route termini of said road: *Provided*, That no branch or extension shall exceed four miles in length (nor pass through any lands without the consent of the owners thereof first had and obtained), and that the same shall be made subject to the several provisions respecting the payment of damages contained in the aforesaid act of Assembly, passed on the seventh day of April, one thousand eight hundred and fifty: *And provided further*, That this act shall not be so construed as to prejudice the right of the Commonwealth, or in any way release or diminish any part of the tolls or tax imposed by the above-mentioned act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 253.

AN ACT

To change the name of the Methodist Church in the city of Pittsburgh, and to authorize the trustees thereof to sell certain real estate, relative to the collection of water tax in the city of Pittsburgh, and the measurement of coal in Allegheny county, and authorizing an extension of the Wellersburg and West Newton plank road, to confirm the title of Thomas Farley to certain real estate, to mortgage certain real estate of John McMasters, to settle the accounts of Alfred Sutton, late prothonotary of Allegheny county, to erecting public buildings in Susquehanna county, to a State road in Indiana county, and to the District of Richmond, in Philadelphia county.

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 Methodist Church in the city of Pittsburgh, in the county of Allegheny, shall hereafter be called and known by the name of "The First Methodist Protestant Church in the city of Pittsburgh;" and by that name shall be able and capable in law to sue and be sued, plead and

Methodist Church in the city of Pittsburgh, name changed.

be impleaded, grant, receive, purchase, hold, and enjoy property, real and personal, and do all other legal acts whatever as effectually, to all intents and purposes, as said church could have done by their former name if no change had been made therein.

Trustees of said church authorized to sell certain real estate.

SECTION 2. That the trustees of said church, and their successors in office, or a majority of said trustees for the time being, are hereby authorized and empowered to sell and dispose of in fee simple or on ground rent, by public or private sale, and for cash or on credit, the whole or any part of the lot of ground now used and occupied as a burying ground, situate on Liberty street, in the Fifth Ward of the city of Pittsburgh, and adjoining a lot occupied by a Roman Catholic Chapel, containing one acre, strict measure, being the same lot of ground which the executors of James O'Hara, by deed dated June ninth, one thousand eight hundred and twenty-three, recorded in said county, in book E second, volume thirty, page two hundred and ninety-two, conveyed to Thomas Cooper and others, trustees, and their successors, for the purpose of a Methodist burying ground, who by deed dated August thirtieth, one thousand eight hundred and twenty-nine, recorded in book M second, volume thirty-seven, page three hundred and twenty-six, conveyed the same to Thomas Salters and others, trustees of the Methodist Church in the city of Pittsburgh, and their successors in office, for the purpose aforesaid, and the same to convey and assure by good and valid deeds and assurances in law to the purchaser or purchasers of the same, without responsibility on the part of him or them, the said purchaser or purchasers, for the proper use or application of the purchase money, and wholly and fully freed and discharged from all trust, limitation, and restraint whatever: *Provided*, That before this act shall become operative the said trustees or their successors shall execute a bond to the Commonwealth, under such penalty as shall be approved by the district court for the county of Allegheny, conditioned for the faithful application of the proceeds of sale in manner herein-after provided.

Application of proceeds of such sale.

SECTION 3. That the said trustees and their successors shall apply the proceeds of sale of the lot aforesaid (after paying the necessary expenses of said sale) as follows, to wit:

I. To the purchase of a lot suitable for a burying ground for said church beyond the limits of said city of Pittsburgh and not more than four miles distant therefrom.

II. To the expense of removing the dead bodies now interred or hereafter to be interred in the ground hereby authorized to be sold to the lot hereafter to be purchased.

III. To the re-payment with interest of the subscription money heretofore paid by individuals for the privilege of private burying lots in the said Methodist burying ground to such persons as may not choose to accept similar burying lots in the ground hereafter to be purchased as aforesaid.

IV. To the payment of the debts of the said first Methodist Protestant church in the city of Pittsburg owing at the time of said sale, if any such there be.

V. The residue of said purchase money to remain a perpetual lien or ground rent upon the lot aforesaid, or to be invested from time to time, and in either case the rents and income thereof to be appropriated under the direction of said corporation for the relief, benefit, and support of superannuated and disabled ministers of the Methodist Protestant church attached to the Pittsburg annual conference.

SECTION 4. That in all cases where any tax or taxes of any kind have been or shall be assessed on any ground rent issuing out of or charged on any lot or lots of ground situate in the city of Pittsburg, the owner or occupier of such lot or lots, as well the owner of such ground rent charged thereon, shall be liable to pay all taxes assessed on such ground rent during his or her ownership, possession, or occupancy of such lot or lots; and in case of non-payment of such tax or taxes, the same shall and may be collected by distress and sale of the goods and chattels of the person or persons in the occupancy or possession of the premises whereon such ground rent is charged in the manner authorized by law; and such tax or taxes or any part thereof having been so paid by or collected from the person or persons in the occupancy or possession of the premises, and not being the owner or owners of the ground rent, it shall and may be lawful for him, her, or them, to recover said tax or taxes so paid by or collected from him, her, or them, from the owner of the ground rent on which the said tax or taxes were assessed, or at his, her, or their election to defalk the same in the payment of the rent due to his, her, or their lessor, who, if he or she be not the owner of the ground rent, shall and may defalk in like manner until the said tax or taxes shall be defalked in the payment of the rent due to the owner of the ground rent on which such tax or taxes shall have been assessed, unless such recovery or defalcation would impair or violate some contract or agreement previously made by and between such ground landlord, or lessor and lessee or sub-lessee, in regard to the payment of taxes assessed on said ground rent; and in case any such lot or lots of ground be vacant, unimproved, and unoccupied, so that no sufficient distress can be found thereon, it shall be the duty of the collector to return the tax or taxes assessed on the ground rent charged on such vacant or unimproved lot or lots, if the same remain unpaid, to the commissioners of Allegheny county in the same manner as taxes on unseated lands; and the said commissioners shall cause such ground rents to be sold for the payment of the taxes assessed thereon and so returned, and remaining unpaid in the manner provided by law in like cases for the sale of unseated lands for taxes.

Collection of taxes on ground rent in the city of Pittsburg, relative to.

SECTION 5. That from and after the passage of this act, no person who shall have resided within said city for one year immediately preceding any election for mayor, alderman, or other officers of said city, and who shall not within the said year have paid all city taxes assessed to him, shall be entitled to vote at any such election for officers of said city.

Who entitled to vote in said city.

SECTION 6. That the goods and chattels of any owner or occupier of any messuage or lot of ground within said city, shall be liable to be distrained for the taxes of the then current year assessed on such premises, although said taxes may have been assessed on said premises before such owner or occupier took possession or became the owner thereof.

Goods and chattels liable to be distrained for taxes.

SECTION 7. That the goods and chattels of any owner or occupant of any messuage or lot of ground within said city, may be distrained for taxes assessed on such messuage or lot of ground, although the same be not upon the premises, and such goods and chattels shall and may be seized and taxen under a distress for such taxes in any part or ward of said city, although the premises whereon said taxes shall have been assessed may be situate in another and different ward.

Goods and chattels liable to be distrained although not on the property.

SECTION 8. That from and after the passage of this act, all water rents shall be assessed to the owner or owners of the premises for the use of the water in which the said water rents are assessed in the same manner as city taxes, and such water rents so assessed shall be collected

Water taxes to be a lien, &c.

and be a lien on the real estate on which the same shall have been assessed, in the same manner as city taxes are or may be by law a lien and collectable; and the provisions of the act of the ninth of April, 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 taken or construed to apply to said water rents.

Repeal.

SECTION 9. That so much of any act or acts as is hereby altered and no more, be, and the same is hereby repealed.

Measurement of bituminous coal in Allegheny county.

SECTION 10. That the third and fifth sections of the act establishing a uniform standard of bituminous coal in Allegheny county, passed April sixth, Anno Domini, one thousand eight hundred and fifty, be, and the same are hereby repealed, and that hereafter all controversies in said county in regard to the quantity of coal contained in any cart, wagon, or other vehicle, shall be ascertained in the manner provided for by the first and second sections of the act to which this is a supplement: *Provided however*, That where coal is sold and delivered into boats where the weight cannot conveniently be ascertained, then the standard fixed in the act of March twenty-third, one thousand eight hundred and forty-nine, shall continue unchanged.

For the regulation of coal in Pittsburg, Allegheny city, &c.

SECTION 11. That the select and common council of the cities of Pittsburg and Allegheny, and the town councils of the incorporated boroughs in the county of Allegheny, are hereby authorized to provide and establish some mode to ascertain the weight of coal sold within said cities and boroughs, and impose suitable penalties upon all persons violating the provisions of the acts of Assembly on the subject.

Wellersburg and West Newton plank road company, authorized to extend their road.

SECTION 12. That the Wellersburg and West Newton Plank Road Company be, and they are hereby authorized to extend their road by the nearest and most practicable route to Monongahela city and the town of Washington, in the county of Washington.

Title of Thomas Farley to certain real estate, confirmed.

SECTION 13. That no statutes of mortmain or any other disabling laws, acts, or statutes, public or private, shall invalidate the title of Thomas Farley to a lot of ground and buildings thereon situate, at the South-east corner of William and Biddle streets, in the District of Spring Garden and county of Philadelphia, containing in front or breadth on said William street eighteen feet, and extending in length or depth eastwardly along said Biddle street seventy-six feet three inches; but the same are hereby repealed, so far as they relate to the title of the said Thomas Farley the owner of said lot, and the said title is hereby confirmed as if the said statutes, laws, or act had never been in force.

Preamble.

WHEREAS, John M'Masters, junior, late of the county of Allegheny, by his last will and testament bearing date the thirteenth day of March, one thousand eight hundred and forty-seven, duly proved and on file in the Register's office in Allegheny county, did among other things devise and bequeath to D. Negley Duncan Hamilton and William Young, part of lots four hundred seventy-two, four hundred seventy-three, and four hundred seventy-four, in the city of Pittsburg, county of Allegheny, fronting on Liberty and Seventh streets, and running back to Strawberry alley, in the trust nevertheless and special confidence, for the use and benefit of the family of John M'Masters, junior, whom they were to appoint their agent to manage and improve said property.

And whereas, Certain improvements have been made in part of lot number four hundred seventy-two, fronting on Seventh street, and it is desirable that a certain amount of money should be raised to pay some debts that occurred in making said improvements, and to reimburse funds that properly belong to another trust; therefore,

SECTION 14. That it shall be lawful for Daniel Negley Duncan Ham-

ilton and William Young, or their agent, under the trust to mortgage for a sum not exceeding seven thousand dollars (7,000,) to any person or persons, corporation or corporations, one-half of lot number four hundred and seventy-two, bounded and described as follows: Beginning sixty feet from corner of Seventh and Smithfield streets, thence along the line of lot number four hundred seventy-one, parallel with Smithfield street, two hundred thirty-nine feet five inches to Strawberry alley, thence along Strawberry alley thirty feet, thence by a line through the centre of said lot to Seventh street, thence along Seventh street thirty feet to the place of beginning, on which is erected a brick stable three stories high, with an ice house in the basement for the purpose aforesaid, the said mortgage shall be good and available in law and equity, to all intents and purposes, as if the said property was held in fee simple by the said trustees: *Provided*, The Court of Common Pleas of said county of Allegheny shall approve of and decree or direct such loan and mortgage.

Daniel Negley, Duncan Hamilton, and Wm. Young authorized to mortgage certain real estate.

SECTION 15. That the Auditor General be authorized and directed to settle and close the accounts of Alfred Sutton, deceased, late prothonotary of Allegheny county, when it shall be made to appear to him by proper proofs and vouchers that the full amount of all fees and dues of whatever kind, without any interest on the same, has been paid and satisfied.

Auditor General authorized to settle the accounts of Alfred Sutton, deceased.

SECTION 16. That the county commissioners of the county of Susquehanna be, and they are hereby authorized, whenever they deem the interest of the county require, to build a new court house, jail, and public offices for the use of said county, at the borough of Montrose: *Provided*, The said county commissioners shall not enter into any contract for the erection of said building or buildings until the grand jurors summoned for the next April term, or a subsequent grand jury of the Court of Quarter Sessions for the county of Susquehanna, shall have reported in favor thereof.

Public buildings authorized to be erected in Susquehanna county.

SECTION 17. That whenever the said county commissioners shall determine upon building, and shall commence the same, the commissioners of the said county of Susquehanna are hereby authorized and required to add the sum of five hundred dollars to the usual county rates and levies of the borough of Montrose, in said county, for ten consecutive years from the time of the commencement to erect the said building or buildings, for the purpose of defraying the expenses of erecting the same.

County rates and levies.

SECTION 18. That the manner of laying and collecting said tax in each year shall be as follows: After the assessment shall have been completed, and the day of appeal shall have passed, the commissioners shall add to the tax of each person assessed in said borough for county purposes their proportion of five hundred dollars as the tax of such person shall bear to the aggregate amount of taxies levied upon said borough for county purposes. When such addition shall be made, the duplicate shall be made out, and their warrant issued in manner and form authorized and allowed by law; and all laws applicable to the collection of county rates in the said borough are hereby made applicable to the collection of additional tax hereby imposed.

Manner of laying and collecting said tax regulated.

SECTION 19. That the county commissioners of the county of Susquehanna be, and they are hereby authorized to borrow for the purpose of building as aforesaid, any sum not exceeding fifteen thousand dollars upon the credit of the county, at any interest not exceeding six per cent., and reimbursable at such times as they may deem proper, not exceeding fifteen years.

Borrow money.

Wiconisco town- SECTION 20. That hereafter, the qualified voters of Wiconisco town-
ship, Dauphin ship, Dauphin county, shall hold their general, special, and township
co, place of hold- elections at the public house now kept by George W. Wilt.
ing elections in.

Repeal of cer- SECTION 21. That the provisions of the several sections of an act
tain act to locate entitled "An Act to locate a State road from Smecksburg to intersect
a State road the Clarion and Cherrytree State road at or near the house of William
from Smecks- Riddle, Esq., in Indiana county, approved March tenth, one thousand
burg to the Cla- eight hundred and forty-eight," be, and the same are hereby repealed.
rion and Cherry-
tree road.

District of Rich- SECTION 22. That the district of Richmond, in the county of Phila-
mond not to be delphia, shall not be subject to damages to the Philadelphia and Bris-
subject to cer- tolor Turnpike Road Company, for obstructing the same during the time
tain damages. of curbing and paving said turnpike road within the limits of said dis-
trict.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 254.

AN ACT

Regulating certain election districts, and for other purposes.

Lynn township, SECTION 1 *Be it enacted by the Senate and House of Represen-*
Lehigh county, *tatives of the Commonwealth of Pennsylvania in General Assembly*
authorized to *met, and it is hereby enacted by the authority of the same, That*
elect an addi- *the electors of the township of Lynn, in the county of Lehigh, be*
tional super- *authorized to elect hereafter three supervisors of the public highways,*
visor. *in place of two as heretofore.*

Perry township, SECTION 2. That from and after the passage of this act, the quali-
Clarion county, fied voters of the township of Perry, in the county of Clarion, shall
place of holding hold their general and township elections at the house of Andrew Har-
elections in. shaw, in said township.

Lathrop town- SECTION 3. That the qualified voters of Lathrop township, Susque-
ship, Susque- hanna county, shall hereafter hold their general and township elections
hanna county. at the house of Elisha Lord, in said township.

Borough of Elk- SECTION 4. That from and after the passage of this act, the borough
land, Tioga of Elkland, in the county of Tioga, shall be a separate election dis-
county. trict, and the qualified voters in said borough shall hold their borough
and general elections at the house of D. B. Shoff; and John Parkhurst
shall be judge, and Charles Ryan and Leander Culver inspectors, of
election in said borough: *Provided, That after the first election the*
qualified voters in said borough shall elect their officers.