

[No. 106.]

AN ACT

To enable Religious Societies to purchase and hold real estate, 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 it shall and may be lawful for any religious society within this Commonwealth, to purchase, take, receive, and hold by gift, grant, or otherwise, lands for burying grounds, erecting churches, schools, and alms houses, for any estate whatsoever: *Provided,* That nothing in this act contained shall be construed to permit any religious society, or any person in trust for them, unless specially authorized by its charter, to purchase, take, receive, or hold real estate, except for the purposes aforesaid.

Religious societies may hold lands for burial ground
 Proviso

SECTION 2. So much of the act of the sixth February, one thousand seven hundred and thirty-one, entitled "an act for the enabling religious societies of protestants, within this province, to purchase lands for burying grounds, churches, houses of worship, schools, and so fourth, as is inconsistent herewith, be and the same is hereby repealed.

Part of former law repealed

WHEREAS, The Union Burial Ground society, of the city and county of Philadelphia are the owners of a lot of ground adjoining their burial place, the same having been vested in them by the vacation of Washington street, in the district of Southwark, in the county of Philadelphia, and are desirous to extend their cemetery so as to include said ground, and lay out the same as burial lots, Therefore

Preamble

SECTION 3. *Be it enacted,* That the Union Burial Ground society of the city and county of Philadelphia be, and are hereby authorized and empowered to extend their burial ground over and upon the whole lot above referred to, and to lay out the same as cemetery lots according to the form, and subject to the restrictions set forth in their charter, and that their title thereto be held and deemed valid.

Union burial ground society Phila. to extend their burial ground

SECTION 4. That the territory now occupied by John White, William H. Wray, Daniel Keely, James Leech, and also a farm belonging to Matthias Rombach, in Conemaugh township, Indiana county, be and the same is hereby attached to the borough of Saltsburg, for school purposes, and that hereafter the school directors of said borough shall have autho-

Indiana co— Saltsburg school district enlarged

rity to levy and collect all school taxes on the territory aforesaid, and be authorized to receive the State appropriation for common schools, to which such territory may be entitled.

Preamble

Kingsessing
and Tinicum
Meadowlands

SECTION 5. WHEREAS, There is a certain large tract of land situate in the township of Kingsessing, in the county of Philadelphia, and in the township of Tinicum, in the county of Delaware, contained within the following bounds, commencing at the east land of John H. Andrews, in said township of Kingsessing, at the west end of a certain cross bank, which separates the northern from the southern district of the Kingsessing meadows; thence along the said bank including the same to the river Schuylkill; thence down the said river to the east land near Penrose's ferry; thence along the inner edge of the said east land following the courses thereof to the river Delaware, near the old Lazaretto; thence down the said last mentioned river to the east land of Thomas Smith, Esquire, in the township of Tinicum, near the new Lazaretto; thence along the edge of the east land of the said Thomas Smith, and Richard Willing, Esquire, to Longhook dam; thence over said dam and along the old bank of Longhook creek, to Darby creek; thence along the said last mentioned creek to the east land of William Davis, late of Christopher Elliott, thence along the edge of the east land, following the courses thereof to the place of beginning, the whole of which (saving and excepting two certain tracts of east land, included within the aforesaid boundaries, known by the names of Carpenter's Island, and Boon's Island) is marsh meadow land, and is subject to destructive inundations, from breaches in, or overflows of the meadow banks of the Schuylkill river, in consequence of the insufficiency of the cross bank above mentioned, to protect the said tract of marsh meadow land from said inundations: *And whereas*, It has been found by experience that the provisions heretofore made by law, for the maintenance of the said cross bank, are inequitable in their operation, and inadequate for the purpose, Therefore

Owners incorporated

Name

SECTION 6. *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 owners, occupiers, and possessors of marsh meadow land in the above described tract, shall be called and named the company for the support of the cross bank in Kingsessing.

Annual election

SECTION 7. That it shall and may be lawful for the said company, or as many of them as shall think fit to meet together on the first Monday of May next, and on the first Monday of April in every year thereafter, (until the cross bank herein-after provided for shall be completed) at the Blue Bell tavern, in the said township of Kingsessing, or such convenient place as may be hereafter appointed by the managers to be chosen

under this act, at which time and place due notice shall be given by the treasurer, so also to be chosen, and then and there by a majority of those present, to choose by ticket, in writing, three fit persons, owners or possessors of marsh meadow land within the above described tract, to be managers, and one fit person to be treasurer of the said company, for the year next Managers, &c ensuing.

SECTION 8. That the said treasurer shall, if so required by Treasurer the said managers before he takes upon him the execution of his office, enter into an obligation in such form as said managers shall direct, conditioned that he will well and truly account, adjust, and settle with them for and concerning all moneys which may come into his hands, by virtue of this act, and that he will well and truly pay the balance to such persons, and for such uses, as the said managers, or any two of them may appoint, and not otherwise; that he will do and execute all other matters and things as treasurer of the said company, according to the true intent and meaning of this act, and that he will at the expiration of his office, well and truly pay over and deliver all moneys then in his hands, together with the books of accounts relating to the same, and all other papers and writings in his keeping, belonging to the company, to his successor in office.

SECTION 9. That the said managers, or any two of them, shall and may forthwith, proceed to reconstruct and repair the Managers duties said cross bank, in such sufficient and substantial manner, and of such form and dimensions as they may deem advisable for the protection of the aforesaid tract of marsh meadow land, from inundation; and it shall and may be lawful for the said managers, their agents and workmen, to enter upon any lands Material's they shall deem necessary, and procure and carry away any stone, earth, gravel, or other material, excepting wood or timber, which they shall require for the construction or repair of the said cross bank: *Provided nevertheless*, That no such Proviso stone, earth, gravel, or other material, shall be taken from any land without the consent of the owner thereof, until the said managers shall have given security to the satisfaction of the court of common pleas of the city and county of Philadelphia, for the payment for the same, when the value thereof shall have been assessed in the manner hereinafter provided.

SECTION 10. That it shall and may be lawful for the said Assessments for repairs managers, or any two of them, to lay and collect such assessments and taxes upon each and every acre of said lands within said tract of marsh meadow land, which are now subject to taxation under the existing laws, for the drainage and maintenance of the banks thereof, and upon all lands therein, of a character similar thereunto, which may not hitherto have been so taxed by law, or which are yet unincorporated, as they shall judge necessary for the purpose of constructing or

repairing the said cross bank provided for in the fourth section of this act.

SECTION 11. That if any of the said owners of marsh meadow lands, within the said described bounds as aforesaid, shall neglect or refuse to pay the several sums of money that shall from time to time be rated, assessed, or imposed by the major part of the managers chosen as aforesaid, for the space of thirty days, after demand made by the treasurer of the said company, for erecting the said cross bank, it shall and may be lawful to and for the said treasurer, by the direction of the major part of the managers, for the time being, in his own name, to sue for and recover the several sums of money so charged, assessed, or imposed, in the same manner as debts of equal amount are by law recoverable.

SECTION 12. If the said managers cannot agree with the owner or owners of any lands from which they may have taken or may be about to take any stone, earth, gravel, or other material, upon the rate of compensation for the same, it shall and may be lawful for the parties to refer all matters in dispute to three disinterested persons, whose award shall be final and conclusive on the parties, and if they cannot agree upon such persons, the court of common pleas for the city and county of Philadelphia, on application thereto by either party, shall award a venire directed to the sheriff of the said county, to summon a jury of six judicious and disinterested men of the said county, in order to ascertain and report to the said court what damages, if any have been sustained, or may be sustained by the said owners of such materials taken, or to be taken; which said jury of valuers having been duly sworn or affirmed, and having viewed the premises shall make their assessment, and report to the said court, which report being confirmed, judgment shall be entered thereupon, and have the same force and effect as judgments in other cases: *Provided nevertheless,* That either party may appeal to the court within thirty days after such report shall have been filed in the prothonotary's office of the said county, in the same manner as appeals are allowed in other cases: *Provided also,* That if the said managers, or either of them, at any time before application made to the court, shall tender to any person aggrieved a sum of money in full compensation for his damages, or for his stone, earth, gravel or other material so taken, the said company or the managers thereof, shall not be liable for costs on any subsequent proceedings, unless such person shall recover an amount thereby, greater than that previously tendered by the said manager or managers.

SECTION 13. That it shall be the duty of the managers of the company of the southern district of the Kingsessing meadows, when the said cross bank shall have been completed, to maintain and keep the same in good and sufficient order and repair: *Provi-*

ded, That they shall not be obliged to expend in repairing or keeping the same in order, a greater sum than one hundred dollars in any one year.

SECTION 14. That should the said managers of the company of the southern district of the Kingsessing meadows, at any time refuse or neglect to maintain and keep the said cross bank in good and sufficient order and repair, that then the managers of the Kingsessing meadow company, shall and may enter upon the said cross bank, make, amend, and repair the same, and recover, and levy costs, charges, and expenses thereof, in the same manner as if they were managers of the said company of the southern district of the Kingsessing meadows, any law or usage to the contrary notwithstanding: *Provided nevertheless*, That they shall not recover or levy a greater sum than one hundred dollars in any one year.

SECTION 15. That if the amount of money required to keep and maintain the said cross bank in good order and condition, shall ever in any one year exceed the sum of one hundred dollars, then it shall and may be lawful for the managers of the said company of the southern district of the Kingsessing meadows, to notify the owners, occupiers, and possessors of marsh meadow land, in the tract described in the preamble to this act, by five advertisements at least, posted up in the most public places in the townships of Kingsessing and Tinicum, to meet on a day certain, which day shall not be less than ten days after the publication of such notice, at some convenient place, for the purpose of electing three persons for managers, and one person for treasurer of the company for the support of the cross bank in Kingsessing.

SECTION 16. That it shall and may be lawful for the said owners, occupiers, and possessors of marsh meadow land in said tract, to meet at the time and place so appointed, and on the first Monday of April, in every year thereafter, until the repairs of the said cross bank shall have been completed; and then and there by a majority of those present, to choose by ticket in writing, three fit persons, owners, occupiers or possessors of marsh meadow land within the above described tract, to be managers, and one fit person to be treasurer of the said company, for the year next ensuing; which said managers and treasurer shall have, possess, and be invested with all the rights, powers, capacities, and immunities, and be subject to all the duties, obligations, and responsibilities which they would have possessed, be invested with, and be subject to, had they been chosen under the provisions of the second section of this act.

SECTION 17. That the managers chosen as aforesaid, shall have and receive one dollar and thirty-three cents per day, for each day they shall be employed in the several duties required of them by this act. And shall as well themselves, as the

Fines, &c for
neglect of
duty

managers of the two companies mentioned as aforesaid, be subject to the same fines and forfeitures for every neglect of duty required of them by this act, as is imposed by law on the managers of the company of the southern district of the Kingessing meadows. And the treasurer shall have such compensation for his services, as the major part of the managers chosen as aforesaid shall deem just and equitable; and in the event of his death or resignation, or if from any other cause he should be prevented from performing the duties herein required of him, the managers as aforesaid, or the major part of them, shall have power to appoint another in his stead, who shall perform all the duties the same as though he had been chosen as provided for in the second section of this act.

Frankstown
borough re-
pealed

SECTION 18. That so much of an act passed the third day of April, Anno Domini eighteen hundred and thirty-two, as relates to the incorporation of the borough of Frankstown, in the county of Huntingdon, be and the same is hereby repealed.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

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

DAVID R PORTER.

[No. 107.]

AN ACT

To Incorporate the President and Managers of the Whitehaven and Lausanne Turnpike Road Company.

Commis'rs

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 Miller Horton, Thomas Morrison, of the county of Luzerne; George Fegely, John D. Bauman, William H. Cool, Samuel Wolf, Ephraim Ladd, of the county of Northampton, and John Rice, of the county of Lehigh, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of June next, procure a book and enter as follows: We, whose names are hereunto subscribed, do promise to pay the president and managers of the

Form of sub-
scription