

No. 310.

AN ACT

To vacate Long lane, in the county of Philadelphia; relative to Niles and Forbes streets, in the city of Pittsburg; authorizing the town council of the borough of Muncy, to borrow money; in reference to Richmond district, in the county of Philadelphia; in reference to promissory notes and counterfeit endorsements; to Clarion and Paint townships, in Clarion county; to public roads in the county of Mifflin; authorizing the councils of the city of Lancaster, to open an alley; confirming the plan of survey of the eastern section of the Kensington district of the Northern Liberties, and relating to certain streets therein; relative to a road in Towamensing and Lower Towamensing townships, Carbon county; and supplementary to the act relating to roads in Middletown township, Delaware county.

Long lane vacated.

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 a certain road or lane in the district of Moyamensing, called Long lane, commencing at Cedar street, and running in a south-westerly direction, so far as the same extends to Federal street, be and the same is hereby vacated, and the title to the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of grounds adjoining and fronting upon the same respectively, each owner to have and take one-half part thereof, so far as his respective lot adjoins and fronts upon the said road or lane: *Provided however,* That the said road or lane shall not be closed without the consent of the owners of property fronting thereon, and the approbation of the commissioners of the district of Moyamensing, first had and obtained: *And provided further,* That upon such consent and with such approbation, the said road or lane may be closed in its entire length, or as to any part thereof so far as the same extends between any of the streets in the said district running east and west: *Provided,* That before closing the said road or lane between the said streets, there shall first be opened and dedicated to public use without expense to the county of Philadelphia, the street next east or west of the lane running north and south, and leading into Cedar street from the southern side of the square, from which the said road or lane shall be closed.

Court of quarter sessions of Allegheny county, authorized to vacate Nile street and part of Forbes street, in the city of Pittsburg.

SECTION 2. That the court of quarter sessions of the peace of Allegheny county, be and the same is hereby authorized and empowered upon application by petition, to appoint viewers to view Nile street, and that portion of Forbes street lying between Stevenson and Pride streets, in the city of Pittsburg, as the same is now located on the plan of the city district, and adopted by said city, and on the report of said viewers, to vacate said Nile street, and that portion of Forbes street, or any part thereof; and the said court shall proceed therein in the same manner in all respects, as is directed by the existing laws relating to roads and highways in this commonwealth.

Town council of the borough of Muncy, authorized to borrow money.

SECTION 3. That the town council of the borough of Muncy, in the county of Lycoming, are hereby authorized to borrow on the credit of said borough, any sum of money not exceeding one thousand dollars, at a rate of interest not exceeding six per centum per annum, redeema-

ble at such time or times as shall be agreed upon, and to issue therefor certificates of indebtedness or other evidences of debt.

SECTION 4. That said loan as soon as it shall be taken, shall be paid into the hands of such person or persons as the said council shall direct, and applied to the erection of a building, to be used as a town hall, under the supervision of said town council.

Said loan to be applied to the erection of a town hall.

SECTION 5. That said town council shall in each and every year, so long as the same shall be necessary, levy and collect a special tax for the repayment of the sums of money borrowed, or indebtedness incurred for and on account of the erection of such public building, at the time stipulated for the payment of the same, which said taxes shall be collected in money, and be exclusively appropriated to the satisfaction of the indebtedness incurred as aforesaid.

Town council authorized to levy and collect a special tax to repay the sum or sums so borrowed.

WHEREAS, An agreement has been made between the commissioners and inhabitants of Richmond, in the county of Philadelphia, of the one part, and the Philadelphia and Reading railroad company of the other part, whereby the said railroad company has agreed to convey to the said commissioners and inhabitants a certain valuable wharf property in the said district, to be used as a public highway, wharf landing and point of departure on the river, on condition that an act of assembly be first passed prohibiting forever, the laying out or opening of any street or passage through the land of the said company, fronting on the river Delaware hereinafter described, without the consent of the said company as hereinafter provided; therefore,

Preamble.

SECTION 6. That no road, street, passage, lane or alley shall be at any time hereafter laid out or opened through the land or property of the said railroad company, or any part of it, lying in the district of Richmond, and county of Philadelphia, and embraced within the following metes and bounds, to wit: From a point at low water mark in the river Delaware, by the proposed line of Cumberland street extending, and at its northern side north thirty-three degrees forty minutes west about nine hundred and seventy-four feet to the eastern side of Richmond street; thence along the eastern side of Richmond (formerly Point road,) north fifty-nine degrees forty-five minutes east two thousand nine hundred and seventy-five feet to the southern side of Williams street; thence along the southern side of Williams street south thirty degrees fifteen minutes east to the head of Dock street or low water mark one thousand and four feet and three quarters of a foot; and thence along low water mark to the place of beginning, without the consent thereto in writing of the said railroad company, under its corporate seal first had and obtained; and so much of any survey, plan or plot made by the surveyors or regulators of the said district, under the authority of an act, entitled "An Act to incorporate the district of Richmond, in the county of Philadelphia," passed the twenty-seventh day of February, Anno Domini, one thousand eight hundred and forty-seven, laying out any road, street, passage, lane or alley through the above described premises, is hereby vacated and annulled: *Provided*, That the said railroad company shall, on or before the first day of May, Anno Domini, one thousand eight hundred and forty-nine, convey to the said commissioners and inhabitants a certain lot or piece of land situated in Richmond (late Kensington) district, in the county of Philadelphia, beginning at a point where the central line of Lehigh street extended intersects the south-easterly side of Bank street, as the same was intended to be opened, and on the north-eastern line of certain land occupied by Morris and company's machine shop; thence by the land of the said Morris and company south forty-six degrees and ten minutes

No road, street, lane or alley to be laid out or opened through the land or property belonging to the Philadelphia and Reading railroad company, in the district of Richmond and county of Philadelphia.

Proviso.

east (S. 46° 10' E.) about three hundred and fifty-five feet to low water mark in the river Delaware; thence along said low water mark in an easterly direction about ten feet; thence north twenty-four degrees west (N. 24° W.) about two hundred and seventy-two feet to a point; thence north fifty-seven degrees and twenty minutes east (N. 57° 20' E.) thirty-seven and a half feet to a point in the south-eastern line of property late of William Ball, deceased; thence along said line north forty-six degrees and ten minutes west (N. 46° 10' W.) eighty-six feet to the south-eastern side of Bank street as above, and thence along said line of Bank street, south fifty-seven degrees and twenty minutes west (S. 57° 20' W.) one hundred and forty-five feet to the place of beginning, to be used as a public [highway] and wharf landing and point of departure, together with the right to construct and keep in repair a dock along the north-eastern side of the above described property; the limits of which dock shall not fall within a line bearing south twenty-four degrees east and distant thirty-seven and a half feet from the most north-eastern corner of the above described property; the said railroad company to have the privilege of using the said dock without paying dockage, jointly with the said commissioners and inhabitants.

Hereafter in all cases of suit brought on promissory notes, post notes, notes of hand, due bills or bills of exchange, drafts, orders or checks, &c., no plea to be held available and no defence to be made by defendant for want of proper and timely demand, &c.

Demand of acceptance as well as protest, &c., may be given at any time before maturity.

Notes, post notes, &c., held payable at the place where dated.

When endorsee or endorsees, payer or payers entitled to recover back, &c.

SECTION 7. That from and after the passage of this act, in all cases where suit is brought in any of the courts of this commonwealth, upon or for the recovery of the amount due on any promissory note, post note, note of hand, due bill, bill of exchange, draft, order, check or other instrument of writing in the nature thereof, no plea shall be held to be available, and no defence shall be made or taken by the defendant or defendants for want of proper and timely demand of payment or acceptance, or proper and timely protest for, and notice of non-acceptance or non-payment of the same, unless the respective places where such demand is to be made, and where such notice is to be served or given, or the names and residences or places of business of the respective parties thereto, shall be legibly and distinctly set forth thereon.

SECTION 8. That when such places of demand and notice, or such names, residences or places of business are omitted to be set forth as aforesaid, demand of acceptance, as well as protest for and notice of non-acceptance, may be made and given at any time before maturity of such instrument or instruments, as require acceptance and demand of payment, as well as protest for and notice of non-payment of the same, at any time after maturity thereof, and before suit is brought thereon.

SECTION 9. That in all such cases of omission as aforesaid, promissory notes, post notes, notes of hand, due bills and such like instruments, shall be held to be payable and protestable at the place where they are dated, and if they contain no place of date, then at the place where they are deposited or held for collection; and bills of exchange, drafts, orders, checks or other instruments or securities in the nature thereof, shall be held to be acceptable, payable and protestable at the place where the same shall or may be addressed to the drawee or drawees.

SECTION 10. That whenever any value or amount shall be received as a consideration in the sale, assignment, transfer or negotiation, or in payment of any bill of exchange, draft, check, order, promissory note or other instrument, negotiable within this commonwealth by the holder thereof, from the endorsee or endorsees, or payer or payers of the same, and the signature or signatures of any person or persons, represented to be parties thereto, whether as drawer, acceptor or endorser, shall have been forged thereon, and such value or amount by reason thereof erroneously given or paid such endorsee or endorsees, as well

as such payer or payers respectively, shall be legally entitled to recover back from the person or persons previously holding or negotiating the same, the value or amount so as aforesaid given, or paid by such endorsee or endorsees, or payer or payers respectively, to such person or persons, together with lawful interest thereon from the time that demand shall have been made for repayment of the same.

SECTION 11. That all bills of exchange, drafts, orders, checks, promissory notes or other instruments, in the form, nature or similitude thereof, that shall or may hereafter be made, or be drawn or endorsed to order within this commonwealth, upon any person or persons, body politic or corporate, co-partnership, firm or institution of or in, or that shall be made payable in any other state, territory, country or place whatsoever, for any sum or sums of money with the current rate of exchange in Philadelphia, or such other place within this commonwealth, where the same may bear date, or in current funds or such like qualifications superadded, shall be held to be negotiable by endorsement, and recoverable by the endorsee or endorsees, in his, her or their own name or names, in the same manner, to all intents and purposes, as bills of exchange and promissory notes formally drawn and ordinarily in use, and negotiable within this commonwealth, are now by law recoverable therein.

SECTION 12. That the act, entitled "An Act authorizing the supervisors of Clarion and Paint townships, Clarion county, to let by public sale the making of any new roads," approved the eighteenth day of March, one thousand eight hundred and forty-eight, be and the same is hereby repealed.

SECTION 13. That hereafter it shall be lawful for the supervisors of Wayne and Oliver townships, in the county of Mifflin, to let by proposals and contract, the making and repairing of the public roads and highways in said townships, to the lowest and best bidder; and that the taxes assessed for road purposes shall hereafter be collected as other taxes for the purposes aforesaid; and so much of any law as is hereby altered or supplied, be and the same is hereby repealed, so far as relates to said townships.

SECTION 14. That the select and common councils of the city of Lancaster, are hereby authorized, empowered and directed to cause the street commissioner of said city as soon as conveniently can be done after the passage of this act, to open, not exceeding fifteen feet in width, a public alley, to commence at the Factory road or lane in said city, at a point on said road, two hundred and fifty-five feet south-east from Middle street; thence along the south-eastern boundary of the lots fronting on Middle street, about nine hundred feet, until it intersects an alley running from said Middle street, at the south-eastern end of one of the lots above mentioned, said alley to embrace no part of said lots, but the south-eastern boundary of said lots, to form the north-eastern boundary of said alley.

SECTION 15. That the plan, entitled "Plan of the survey and regulation of the eastern section of the Kensington district of the Northern Liberties," made by Benjamin Moore, the recording surveyor of the said district, and returned by him to the board of commissioners, and approved by said board, the twenty-sixth day of March, Anno Domini, one thousand eight hundred and forty-nine, embracing so much of the said district as lies between the Philadelphia and Bristol turnpike road, (named in said plan Frankford road,) and the line for the limitation of the extension of the wharves in the river Delaware, and between the Cohocksink creek, the southern boundary thereof, and the Richmond

Bills of exchange, drafts, orders, &c., drawn or endorsed to order within this commonwealth, upon persons, bodies corporate, &c., made payable in any other state, &c., shall be held negotiable by endorsement, &c.

Repeal of a certain act relating to the supervisors of Clarion and Paint townships, Clarion county.

Lawful for the supervisor of Wayne and Oliver townships, in the county of Mifflin, to contract for repairing of roads, &c.

Select and common councils of the city of Lancaster, authorized to open an alley.

Certain plan of the survey and regulation of the eastern section of the Kensington district of the Northern Liberties, confirmed.

district, or north-eastern boundary, with the lines of the streets and water courses, and every particular as described and delineated on said plan, be and the same is hereby confirmed and declared to be the only plan for the courses and regulations of the streets, avenues and water courses within the boundaries therein prescribed, and the same to be a legal record forever unalterable, and that it be deposited in the office of the clerk of quarter sessions, and that a true copy thereof be kept in the said district, where the commissioners thereof may direct: *Provided*, That nothing contained in this section shall be construed to authorize or permit the vacation of any portion of "Franklin avenue," nor to authorize any change in the location or direction of said avenue as heretofore laid out and confirmed; the said avenue shall be continued and opened to intersect Richmond street, in the district of Richmond, in the manner provided by law for opening streets and highways in the city and county of Philadelphia.

Commissioners and inhabitants of the Kensington district of the Northern Liberties, to have the same powers, &c., as the mayor, aldermen and citizens of Philadelphia have, possess or enjoy over the ends of certain streets.

Commissioners and inhabitants aforesaid, authorized and required to open certain streets, roads, lanes, &c.

Proviso.

SECTION 16. That the commissioners and inhabitants of the Kensington district of the Northern Liberties aforesaid, be and they are hereby invested with the same powers and authorities, jurisdictions, rights and immunities into and over the ends of each and every public street or alley in the said district, which now extends, or shall hereafter be extended to or into the river Delaware, or the Cohocksink street, east of Forest street, as fully to all intents and purposes as "The mayor, alderman and citizens of Philadelphia," now have, possess or enjoy over or respecting the ends of the several streets in the city of Philadelphia, which extends to or into the river Delaware or Schuylkill.

SECTION 17. That the commissioners and inhabitants of the Kensington district of the Northern Liberties aforesaid, be and they are hereby authorized and required to open forthwith, and to keep open all streets, roads, lanes and alleys within the said incorporated district, laid out or down in the partition made of the estate of William Masters, deceased, in the writ of partition sued out by Richard Penn and Mary his wife, against Sarah Masters, in the court of common pleas for the city and county of Philadelphia, and which streets, roads, lanes and alleys appear upon the drafts or plans of the survey and regulation of the said district: *Provided*, That the opening of said streets, lanes and alleys shall not interfere with, or be in violation of the confirmed plans of said district, prepared by Benjamin Moore, the recording surveyor thereof.

Court of quarter sessions of Bucks county, to appoint viewers in case of the residue of the road constructed by John D. Bauman, being laid out as a public highway, &c.

SECTION 18. That in the event of the residue of the road constructed by John D. Bauman, in Towamensing and Lower Towamensing townships, in Carbon county, other than that portion of it on or near which the state road from Wilkesbarre to Allentown passes, being laid out as a public highway, it shall and may be lawful for the court of quarter sessions of the peace of Bucks county, on the application of the said John D. Bauman, his heirs, executors or administrators, to appoint six judicious and discreet men, resident within the said county of Bucks, to view and assess the damages if any sustained by the said John D. Bauman, by reason of the laying out and opening such state and county road on, over or near the road constructed by him; and if any five of them view, and any four of the actual viewers agree in the assessment of the damages, taking into consideration the advantages, if any, which the said John D. Bauman shall enjoy by reason of the said road being made free, the said report shall be returned to the said court, and shall be confirmed by the said court in the same manner as other reports of damages by reason of the construction of public roads in that county, unless there should be some good exception taken thereto for non-com-

pliance with the provisions of this act; and the amount, if any, when so found and confirmed, shall be paid by the county of Carbon; and it shall be the duty of the applicant to give or cause to be given to the commissioners of Carbon county, or to their clerk at their office, at least ten days' notice of the time and place.

SECTION 19. That Daniel Baily, of Dillsburg, York county, Abraham Harman, of Panington township, York county, and James M. Anderson, of Carrol township, and county aforesaid, be and they are hereby appointed commissioners to review a portion of the state road leading from the bridge across Yellow Breeches creek, in Cumberland county, to Dover, in York county, beginning at a point on the lands of Christiana Mitchel, at the end of ninety perches, on the thirtieth course or station of said road, and extending to the thirty-second station at the east side of said farm, near Mr. Comfort's inn, being only a distance of one hundred and thirty-eight perches.

SECTION 20. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the state road and grounds adjacent between the aforesaid points, and if in their judgment they believe said road can be shortened, and made more direct than it is in its present location, without putting the same on bad or unfavorable ground, they or a majority of them, are hereby authorized and directed to lay out a road forty feet in width between the said points, at an elevation of not more than four degrees from a horizontal line; and if they locate a new road between the points aforesaid, they are hereby authorized to vacate such portions of the road as now located, which shall be supplied by such alterations as they shall make; and for fulfilling the duties enjoined by this act, the commissioners shall each receive one dollar and fifty cents per day, and are hereby authorized to employ a surveyor at two dollars per day, and two chain bearers at seventy-five cents each per day.

SECTION 21. The said commissioners shall also lay out a road from the west end of the bridge over Conewago creek and Enieg's mill, to intersect the state road at some point on the farm of John Hollacker, east of the boundary line between George Spahr and the said John Hollacker's farm, and shall vacate such a portion of the state road as shall be supplied by such new location.

SECTION 22. The commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, one copy thereof to be deposited in the office of the secretary of the commonwealth before the fifteenth day of June next, and one in the office of the clerk of the court of quarter sessions of the county of York, and when so entered of record, it shall be a road to all intents and purposes, subject alone to the action of the legislature for alterations or amendments.

SECTION 23. That the said commissioners shall draw on the commissioners of the county of York, who shall adjust the accounts of the said commissioners, surveyor and chain bearers, and pay them by order on the treasury of the county.

SECTION 24. And it shall be the duty of the supervisors of the townships through which the state road aforesaid passes, to open and refer the same (upon due notice being given,) agreeably to the report of the commissioners of said road, so that no part thereof shall exceed an elevation of four degrees from a horizontal line, and on failing to comply, shall be subject to the same fines and penalties that are imposed

Commissioners to review a portion of a certain state road leading from the bridge across the Yellow Breeches creek, in Cumberland county, to Dover, in York county.

Duty of said commissioners.

Further duties.

Commissioners to make out drafts, &c.

Commissioners to adjust accounts, &c.

Duties of the supervisors of the townships through which the road passes.

upon supervisors for neglecting to open or repair roads laid out by order of the court of quarter sessions of the county of York.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 311.

A N A C T

For the sale of the Williamsport and Elmira railroad.

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 proper court having jurisdiction of the accounts of the sequestrator of the Williamsport and Elmira railroad, upon proof on oath or affirmation of as many of the lien creditors as shall hold more than three-fourths of the indebtedness on said liens, that the annual receipts are insufficient to defray the ordinary expenses to keep the road in repair, and pay the interest upon the debts due by the company, and that the said road is in a state of delapidation, shall order the said sequestrator or some other suitable person, on giving security to the satisfaction of the said court for the performance of his duty, to sell the said railroad and all its franchises and privileges and advantages, in the manner and with the effect as to notices, acknowledgment of deed, distribution of money according to priority of lien, and otherwise provided by law in the case of sheriffs' sales of real estate; and the purchaser or purchasers or their associates or vendees, shall be authorized to conduct the affairs of the said company, by such officers or agents as they may deem necessary, and may use the corporate name and seal, and shall be vested with all the rights, franchises, privileges and advantages, and be subject to all the restrictions in respect to tolls or otherwise, which the said corporation or the stockholders before sequestration possessed, were entitled to and were subject to under its charter, or any other act of assembly, free and discharged from all incumbrances: *Provided*, That it shall not be lawful for the purchasers to occupy the ground upon which the railroad is laid for any other purposes than for the accommodation of the road, according to the charter; and the iron rails now on the road shall not be sold, destroyed or removed except in ordinary course of repair, or for the purpose of laying new rails: *And provided also*, That in case the said purchasers, their associates or vendees, shall fail to com-

The proper court may order the sequestrator of the Williamsport and Elmira railroad, upon proof shown on oath, that the amount of receipts are insufficient to pay expenses and keep the road in repair, &c., to sell the said railroad, &c.

Purchasers authorized to conduct the affairs of said company.

May use the corporate name and seal, &c.

Proviso.

Proviso.