

COMMISSIONERS OF PHILADELPHIA TO BORROW MONEY

Act of Apr. 3, 1851, P.L. 868, No. 381

Cl. 65

AN ACT

To incorporate the Lafayette Railroad Company, and relative to Gray's Ferry road in the county of Philadelphia, to reduce the shares of stock in the Bellefonte, Aaronsburg, and Youngmanstown Turnpike Company, relative to the Farmers' Hay and Straw Market Association in Philadelphia, to an election district in Westmoreland county, to authorize the commissioners of Philadelphia county to borrow money, relative to the appointment of a trustee for Elizabeth Hoge, to authorize George W. Linville, trustee of James and Alexander Lee, to sell certain real estate, conferring on the Court of Common Pleas of Schuylkill county chancery powers and jurisdiction, to authorize the fixing of a county line between the counties of Luzerne and Carbon, relative to mortgages and assigns of mortgages, and providing for the appointment of road viewers in the county of Northumberland, and relative to the repeal of a section in reference to bridges in Lehigh 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 Joseph Morse, Joseph Morse, Jr., Daniel Kingsbury, Samuel W. Bradley, of M'Kean county, Andrew C. Hull and Alpha Morse, of Angelica, New York, and Samuel H. Barnes and John J. Phelps, of the city of New York, or any two of them, be, and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style, and title, of "The Lafayette Railroad Company," with all the powers and subject to all the provisions and restrictions prescribed by an act entitled, "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

Section 2. That the capital stock of said company shall consist of twenty-five hundred shares of fifty dollars each: Provided, Said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road and to carry out the true intent and meaning of this act.

Section 3. That said company shall have the right to build or construct a railroad from the State line in the valley of Tunianguant, in the county of M'Kean, up said valley by such route as to the president and directors shall seem best, to the coal mines in the town of Lafayette, and east of Lafayette corners in said county of M'Kean, with the privilege of such branches in the counties of M'Kean, Potter, and Elk, as they may need for the use of said mines. Said railroad to be commenced within two and completed within ten years from the passage of this act.

Section 4. That so much of the sixth section of an act entitled "An Act to authorize Jonathan W. Swain, the guardian of Anna Maria Agnue, a minor and only child of Albert D. Agnue, deceased, and for other purposes," passed March twenty-sixth, one thousand eight hundred and fifty-one, as requires the district of Moyamensing, in the county of Philadelphia, to pay for the regulating and grading of the side-walks on the Grays Ferry road from Federal street to the abutments of Grays Ferry bridge, be, and the same is hereby repealed.

Section 5. That the board of managers of the Bellefonte, Aaronsburg, and Youngmanstown Turnpike Company, be, and are hereby authorized to apply their dividends to the reduction of the number of the shares of stock of the said company: Provided, That such reduction shall not exceed the number of four hundred shares.

Section 6. That the provisions of "An Act to incorporate the Farmers Hay and Stray Market Association in the county of Philadelphia," approved April thirteenth, eighteen hundred and thirty-eight, shall extend to all persons who are stockholders of said association who shall be entitled to share in common and upon the same terms all rights and privileges that are now or may hereafter be enjoyed by any other person or persons who are members of said association.

Section 7. That all that part of Hempfield township, in the county of Westmoreland, including the following boundaries, to wit: Beginning at the township line near Mechlings mills in said township, from thence to John Herrolds, from thence to Michael Isamans, from thence to intersect the line of the New Stanton district at the house of Andrew Rosenstats, be, and the same is hereby attached to the New Stanton election district for election purposes.

Section 8. That the commissioners of Philadelphia county are hereby authorized and directed to borrow, on the credit of the county, the sum of thirty thousand dollars, at the rate of interest not exceeding six per centum per annum, said loan to be redeemable in twenty years. But no certificate of stock shall be issued for any fractional part of one hundred dollars: Provided, That the money so borrowed shall be appropriated by the county board to pay the present indebtedness of the county prison.

Section 9. That it shall be lawful for the Court of Common Pleas of the city and county of Philadelphia, on the petition of Elizabeth Hoge, to appoint a trustee for her and any children she may have, to take such security as the said court may approve as adequate and safe by mortgage or ground rents, to secure the legacies bequeathed to or for her children by the will of her father, the late Rev. Thomas Hoge; and upon such security being given with the approval aforesaid, the said trustee and Elizabeth Hoge may execute and deliver unto the said Thomas H. Hoge a full release and discharge of said legacies or charges created by the will of the said Rev. Thomas Hoge, on all the real estate and personal effects by him devised and bequeathed until the said Thomas H. Hoge, by will dated the twentieth day of June, Anno Domini, one thousand eight hundred and forty-six; and the said Thomas H. Hoge shall be enabled to hold, sell, dispose, and devise said property and estate, clear

and discharged of said legacies and charges, except only so far as he may by mortgage or ground rent incumber any part thereof, for the purpose aforesaid.

Section 10. That George W. Linville, who was on the twenty-third day of December, eighteen hundred and fifty, appointed by the Court of Common Pleas of the city and county of Philadelphia, trustee of James Lee and Alexander Lee, be, and he is hereby authorized and empowered at public or private sale to sell and convey in fee simple, or otherwise, the whole or such part and parts as he may deem expedient of the property and estate, hereditaments, appurtenances, and premises of which he the said George W. Linville, by his said appointment, is trustee under the last will and testament of William Lee, deceased, or under any conveyance or assurance made by the said William Lee in his lifetime in trust for the said James and Alexander, or either of them, and to convey to the purchaser and purchasers thereof as good and valid estate or estates in the premises as the said William Lee was at any time seised of and entitled to both in law and equity, and discharged from the trusts of his said will and of such conveyance or assurance, and without any obligation on the part of the said purchaser and purchasers to see to the application of the purchase money: Provided, that the said money or security or securities received in payment therefor shall be held by the said trustee and his successors in the trust, in such manner as the said Court of Common Pleas may approve or direct, for the same uses, intents, and purposes as are declared and appointed in respect to the said property and estate, in and by the said last will of the said William Lee or any conveyance or assurance thereof in trust for the said James and Alexander, or either of them, made by him the said William Lee in his lifetime: Provided, That said trustee shall give security, to be approved by the Court of Common Pleas of said county, for the faithful application of the proceeds of said sale or sales: And provided further, That the said court shall approve of said sale or sales.

Section 11. That the second section of an act entitled "An Act to establish a uniform line along the river Delaware in front of the incorporated district of the Northern Liberties and Kensington, in reference to county bridges and for other purposes, enumerated in the title to the same," approved the sixteenth day of April, one thousand eight hundred and forty-eight, whereby an action for work, labor, and service done and performed, and materials found and delivered in cases where bridges have been or may be erected for a county, and deviations from or alterations in the plan contracted for have been made by the directions of the county commissioners, and the commissioners and the builder cannot agree upon the compensation, be, and the same is hereby repealed: Provided, That the repeal of this act shall operate upon contracts, express or implied, made with the commissioners of Lehigh county alone.

Section 12. That the Court of Common Pleas of Schuylkill county shall have and exercise all the like chancery jurisdiction and powers that are conferred upon any other court of this Commonwealth; and in all cases an appeal may be taken to

the Supreme Court for the Eastern District from the final decrees of the said court in suits of equity, on the same terms and conditions as are provided in cases of appeal from the decrees of the Court of Common Pleas of the city and county of Philadelphia.

Section 13. That J. W. Rhoads and Jacob Alabach, of Luzerne county, Henry Boyer, junior, and Jacob S. Wallace, of Carbon county, and William B. Lebo, of Schuylkill county, be, and they are hereby appointed commissioners to run, mark, and establish the county lines between the counties of Carbon and Luzerne. The said commissioners shall be governed by the same law, in prosecuting their commission, as is laid down in the eleventh, twelfth, thirteenth, fourteenth, and fifteenth sections of an act entitled "An Act to incorporate the town of Port Clinton, in Schuylkill county, into a borough, to ascertain and fix the boundary line between the counties of Berks and Schuylkill, to a State road from Reading to Waynesburg, and to change the place of holding the general election in Douglas township, Berks county," approved the fifteenth day of April, Anno Domini, one thousand eight hundred and fifty, as far as consistent with the duties to be performed. The expense to be paid by the counties of Carbon and Luzerne, each paying one-half of the same.

Section 14. (14 repealed Apr. 28, 1978, P.L.202, No.53)

Section 15. That the second section of an act passed the twenty-seventh day of February, Anno Domini, eighteen hundred and forty-nine, entitled "An Act declaratory of the act of Assembly, entitled An Act declaring obstructions to private roads to be a public nuisance, and for other purposes, &c., &c.," shall only continue in force and be operative in the county of Northumberland until the first day of November next; and that after that time the road and bridge viewers and reviewers in said county shall be appointed under and in pursuance of the provisions of the act of thirteenth June, eighteen hundred and thirty-six, entitled "An Act relating to roads, highways, and bridges," and the other general road and bridge laws of this