

SECTION 9. That Robert A. Parrish of the city of Philadelphia, and Additional com-
E. W. Sturdevant of Luzerne county, be and they are hereby added missioners.
to the number of commissioners named in the act, to which this is a
supplement.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 333.

A N A C T

Vacating part of Old Masters' street or Masters' lane, in Penn township, in the
county of Philadelphia, and for other purposes.

WHEREAS, It is represented to the legislature that William Masters,
formerly of the county of Philadelphia, deceased, being in his lifetime Preamble.
seized and possessed of a large tract of land in the said county, laid out
through a portion of the same a road or lane of the width of fifty feet,
called Masters' lane, which road or lane by long usage is presumed to
have become a public highway; and that in consequence of the laying
out and opening of other streets agreeably to law, the westernmost part
of the said road or lane is not only rendered useless, but its continuance
would tend to retard or prevent substantial improvement; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That Vacated.
the said road or lane as the same is now laid out, opened and used from
the east line of Tenth street to the east line of Broad street, in Penn town-
ship, in the county aforesaid, be and the same is hereby vacated; and
that 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 the ground ad-
joining and fronting upon the same respectively, each owner to have and
to take one-half part thereof, so far as his respective lot adjoins and
fronts upon the same road or lane: *Provided, nevertheless,* That the Proviso.
said road or lane shall not be closed until the following streets shall have
been laid out and opened by the owners of the ground through which
the said streets pass, free from cost to the county, viz: Jefferson street,
from Tenth to Broad streets; Eleventh street, from Jefferson to Camac
streets; and Tenth street, from Old Masters' street to Jefferson street.

SECTION 2. That the provisions of the act of the third of February, Act of February
one thousand eight hundred and twenty-four, entitled "An Act relating 3, 1824, extend-
to taxes on certain real estate in the city and county of Philadelphia," ed to state taxes
are hereby extended to state taxes on real estate in the said city and in city and coun-
ty of Philadelphia

County treasurer Philadelphia co., powers and duties. **SECTION 3.** That the treasurer of the county of Philadelphia, from and after the passage of this act, shall have full power and authority to enforce the payment of taxes now registered, or that may hereafter be registered in the office of the county commissioners of the said county, under the provisions of any act of assembly; and for that purpose to employ counsel, and take such other measures as may be necessary—the

Commissioners. counsel to be entitled to a commission of five per cent. on all moneys collected by him, in full compensation for his services in collecting the same.

Suits for unpaid taxes. **SECTION 4.** That for the purpose of carrying the provisions of this act into effect, the said treasurer shall have power to bring suit in the name of the county of Philadelphia, before any alderman, justice of the peace or court of competent jurisdiction, against the person or persons returned and registered in the register of unpaid taxes on real estate, according to the provisions of the said act of February, one thousand eight hundred and twenty-four, and shall, upon producing before the alderman, justice or court, a certificate, such as is provided for by the fifth section of said act, obtain judgment in favor of the county for the amount of taxes due, together with interest thereon, according to the provisions of the said act, unless the defendant or defendants shall prove that the amount claimed has been paid or satisfied, wholly or in part, in which case judgment shall be entered for the defendant or defendants, or for the county, for such parts as shall remain due, which judgment shall have the same effect, to all intents and purposes, as judgments in other cases.

When sheriff returns "nihil." **SECTION 5.** In all such actions, if the constable, sheriff, or other officer, to whom any writ of summons, or other original writ is directed, shall return "nihil" endorsed thereon, it shall and may be lawful for the said county treasurer to sue out an alias writ, and thereupon, if the said constable, sheriff, or other officer, shall make return of the said alias writ, with "nihil" endorsed thereon, the said return of two "nihil" shall be in all respects equivalent to actual service of the same, as is now the practice in cases of scire facias on judgments and mortgages: *Provided however,* That it shall be the duty of the said constable, sheriff, or other officer, to give notice of the said alias writ, by serving a copy thereof on the tenant in possession of the premises described in the said register, if any, or if there be no such tenant, by posting a copy of the same in some conspicuous part of the premises, at least ten days previous to the return thereof, and also by publication in one or more newspapers of the city of Philadelphia, which publication shall recite the amount of tax claimed, and the description of the real estate as set forth in said registry.

Notice.

Treasurer's accounts. **SECTION 6.** The said treasurer shall keep in his books an account or accounts with the treasurer of the city of Philadelphia, and each of the incorporated districts of the county of Philadelphia, and treasurer of the guardians and directors of the poor, and supervisors of the roads of the respective districts and townships in said county, in which he shall credit their treasurer or supervisors of roads, respectively, with the amount of taxes due to the said city, district, and township, and guardians or directors of the poor, and supervisors, respectively; and when collected as aforesaid, shall pay over to said treasurers or supervisors the sums so collected, and if the whole amount received for taxes upon any one property shall not be equal to the whole amount of taxes due thereon, the same shall be apportioned to the state, county, city, districts, guardians and directors of the poor, and supervisors, in proportion to the amount of taxes due them respectively.

Apportionment and equalization of taxes.

SECTION 7. That the county commissioners of the county of Philadelphia, be and they are hereby authorized to advertise and sell at public sale or out cry to the highest and best bidder, all those two adjoining lots or pieces of ground, situate on the west side of Delaware Seventh streets in Penn township, one of them beginning at the distance of one hundred and fifty feet northward from the north line of Poplar lane, containing in front on Seventh street fifty feet, and extending in length or depth on the north side three hundred and eight feet, and on the south side three hundred and fifty-five feet eight inches; the other, being at the distance of two hundred feet from said Poplar lane, containing in front fifty feet, and in length or depth on the north side two hundred and sixty-one feet nine inches, and on the south side thereof three hundred and eight feet, bounded as in the indenture of said James S. Huber, dated the nineteenth March, one thousand eight hundred and twenty-seven, and recorded in the office of the recorder of deeds, &c., for the city and county of Philadelphia, in deed book GWR, number seventeen, page twenty-eight, is fully set forth, and to convey the same, in fee simple or otherwise, to the purchaser or purchasers thereof, the net proceeds of said sale to be paid into the public treasury of the said county of Philadelphia.

SECTION 8. That the annual appropriation from the county of Philadelphia to the agricultural society of said county, be and the same is hereby extended for the term of five years from and after the passage of this act: *Provided*, That said appropriation shall not exceed the sum of six hundred dollars annually.

SECTION 9. That Ephraim Inskeep, Isaac Thomas, and John Jackson, trustees under the will of Jacob Jackson, late of Delaware county, deceased, of the real estate devised therein to Isaac L. Jackson, a minor child of said decedent, and Edward Garrett, guardian of the persons and estates of John H. Jackson and Ephraim J. Jackson, also minor children of the said decedent, be and they are hereby authorized to sell at public sale, as to them shall seem expedient, all the estate and interest held by them in trust for the said Isaac L. Jackson, and also all the estate and interest of said minor children of John H. Jackson and Ephraim J. Jackson, in a messuage and lot, situate on the south side of Sansom street, at the distance of one hundred and twenty-six feet eastward from Delaware Eighth street, in the city of Philadelphia, and convey the same to the purchaser or purchasers thereof: *Provided*, That before the execution of the deed or deeds for the premises, the said trustees and guardians shall give bonds, with such security as the orphans' court for the city and county of Philadelphia shall approve, conditioned for the faithful application and distribution of the proceeds of the sale, agreeably to the provisions of the will of the said decedent.

SECTION 10. That the third joint resolution, approved the eighth day of March, Anno Domini, one thousand eight hundred and forty-five, entitled "A Resolution relating to turnpike stock purchased by S. Meylert, and for other purposes," be and the same is hereby repealed.

SECTION 11. That the commissioners of the county of Philadelphia be, and they are hereby authorized and directed to cause an avenue, the boundary line between North and South Penn township, in said county, to be opened and graded of the full width of one hundred and twenty feet, as laid down in the general plan of said townships, as soon as the owners of the property, through which said avenue shall pass, shall execute and deliver to the commissioners aforesaid, for the use of said county, a full and sufficient release and quit claim, for so much of their ground on each side of said avenue, as shall be necessary to make the same the full width of one hundred and twenty feet as

Proviso.

aforesaid: *Provided*, That the consent of the owners of the ground lying east of Broad street, to the easternmost termination of said township, and the execution by them of a release and quit claim as aforesaid, shall only be necessary to cause that portion of said avenue to be opened: *And provided also*, That the said commissioners shall pay a just and reasonable sum for any building or buildings which may be destroyed or removed, by the opening of said avenue as aforesaid.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 334.

AN ACT

To incorporate the Mutual fire insurance company of Hummelstown, Dauphin county, Pennsylvania.

Corporators.

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 Hershey, Jacob Hummel, (farmer,) John Hoerner, (Hanover,) John Ebersole, Simon Duey, Conrad Smith, Samuel Gsell, George Landis, Samuel Klopp, David Cassell, Christian Landis, (miller,) James Clark, Doctor Jacob Shope, their successors or assigns, are hereby made a corporation by the name of the Mutual fire insurance company of Hummelstown, Dauphin county, Pennsylvania, and they and their successors are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate: *Provided*, That they shall not have power to hold a greater amount of real estate than is necessary for the use of the corporation in the transaction of the business thereof, or such as shall be taken in security for or in payment of debts, nor shall the yearly income thereof exceed two thousand dollars; nor shall any by-laws be repugnant to this instrument, the constitution of the United States, or this commonwealth.

Proviso.

Powers.

Annual meeting.

SECTION 2. The powers of this association shall be vested in thirteen managers, to be chosen by ballot annually on the first Monday of November, at an annual meeting of the company to be held, and each member being entitled to one vote.

Membership.

SECTION 3. Each insurer in or with said company shall be a member thereof during the term of his or her policy, and no longer.

Meetings.

SECTION 4. The general meetings of this company shall be held annually on the first Monday of November, at some convenient place in the township of Derry, and county of Dauphin, and also whenever called by the board of managers, or whenever requested by twenty