

attorney sold the real estate, consisting of several parcels, and the purchasers having all paid more or less, some of them having paid all and taken possession of the lands: *And whereas*, Elizabeth Kennedy afterwards died, before proper deeds had been executed for the lands, without making provision by will or otherwise for the execution of said contract; therefore, authority is hereby given to the said attorney, upon payment of all purchase money, or securing the same according to the terms of contract between said attorney and his principals, to make, execute, acknowledge and deliver to the purchaser or purchasers, sufficient deed or deeds of conveyance for such real estate, in the same form and manner as if said deed or deeds had been made and executed in the lifetime of the said Elizabeth Kennedy; and also to make, execute and deliver to such purchaser or purchasers, any and all other instruments of writing necessary to be executed and delivered in and about the completion and perfecting of such sales, which deed or deeds so executed and delivered, shall be as valid and effectual in passing the estate and interest of such principals, in the real estate therein granted and conveyed, and vest the title in the same to the purchaser or purchasers as fully and completely, as if such deed or deeds had been made, executed and delivered in the lifetime of Elizabeth Kennedy: *Provided*, That before the said attorney shall be at liberty to act under the authority hereby conferred on him, he shall give security in such sum and in such manner as the orphans' court for the said county of Northumberland shall direct, for the faithful execution of the authority hereby conferred on him, and the just application of all such purchase moneys.

Attorney in fact of Joseph P. Kennedy, and Elizabeth, his wife, authorized to execute deeds for sale of real estate.

Proviso.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 315.

A SUPPLEMENT.

To an act, entitled "An Act to incorporate the town of Columbia, in the county of Lancaster," and to secure the payment of taxes in the borough of Harrisburg.

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 all taxes, rates and levies, which may be hereafter lawfully imposed or assessed by the town council of the borough of Columbia, in the county of Lancaster, on real estate situate within the said borough, shall be and they are hereby declared to be a lien on the said real estate on which they may hereafter be imposed or assessed, together also with

Taxes to be a lien on real estate.

all additions to and charges on the said taxes, rates and levies, which by the provisions of this act are directed to be made; and that the said lien shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment, obligation or responsibility which the said real estate may become charged with or liable for from and after the passage this act.

Mode for the collection and recovery of taxes.

SECTION 2. All collectors or agents who have been or who may be empowered or authorized to collect and receive the taxes, rates or levies lawfully assessed or imposed, or that may be hereafter lawfully assessed or imposed by the town council aforesaid, upon any real or personal estate, trades, occupations or callings, or otherwise, shall be and they are hereby authorized and empowered, if the said taxes, rates or levies shall remain in arrear and unpaid three months after a demand made for the same, of or from the person or persons from whom the same are or shall be due and payable, or their agents, known as such to the said collectors or agents, or of or from the persons or person occupying the real estate upon which the same are or have been imposed or assessed, to levy upon any goods, chattels or personal property belonging to the person or persons from whom the said taxes, rates or levies are or shall be due and payable, or upon any goods, chattels or personal property found upon the real estate upon which the same are or may be assessed; and to sell and dispose of the same, after ten days' notice of such sale, in not less than five handbills, whereof one shall be put up on the said real estate, or upon the residence of the person or persons whose property shall be so levied upon, and the others in the most public places near the place where such sale shall be made; and out of the proceeds of such sale, after the expenses attending the same, the said collector or agent shall pay over to the treasurer or other person authorized to receive the same, the amount of such taxes, rates or levies, and the surplus, if any remain, to the owner or owners of the said goods, chattels or personal property; and in case of neglect or refusal to pay over the said surplus within ten days of such sale, if demanded, the collector or agent shall forfeit and pay a sum not exceeding ten per cent. on said surplus, to be recovered, together with the said surplus, as debts of like amount are now by law recoverable, without any stay of execution; and it shall be lawful for any person or persons whose goods, chattels or personal property may be levied upon and sold under the authority of this law for taxes, rates or levies upon real estate occupied by him or them, or who may pay the said taxes, rates or levies, by action of debt or otherwise, to recover the amount so paid, or the value of the goods and chattels levied on and sold, together with all costs and damages against the owner or owners of such real estate; or at his or their election to defalcate the amount thereof in payment of any rent which may be due to the owner or owners of such real estate, unless such defalcation or recovery would impair any contract or agreement between them previously made; and if no goods, chattels or personal property belonging to any person or persons from whom said taxes, rates or levies are or shall be due and payable, can be found or discovered by the agents or collectors aforesaid, it shall and may be lawful for the said collectors or agents to recover, by suit or otherwise, in the corporate name of the borough aforesaid, the amount of said taxes, rates or levies, as debts of like amount are now by law recoverable.

Proceedings to file a lien in the court.

SECTION 3. Whenever any taxes, rates or levies which are or hereafter may be lawfully assessed or imposed by the town council of the borough aforesaid, upon any real estate therein, shall remain in arrear and unpaid for the term of one year after the same shall have been

assessed, and no goods, chattels or personal property shall be found thereon sufficient to pay the same, it shall be lawful for the collector or agent authorized to receive the same, to make a statement of such taxes, rates or levies that are or shall be in arrear and unpaid, with a description of the real estate upon which the same are or have been assessed, and of the fact that no goods, chattels or personal property could be found upon the said real estate sufficient to pay the same; which statement, verified by the oath or affirmation of the said collector or agent, before a magistrate having jurisdiction in said borough, it shall be lawful to file in the office of the prothonotary of Lancaster county; and process may be had thereon in the corporate name of the said borough, by scire facias, and judgment and execution shall be had with like effect as in the case of mechanics' claims.

SECTION 4. Whenever it shall be deemed expedient by the town council of the borough aforesaid, it shall be lawful for the same to require the foot-ways of any street, lane, court or alley within the said borough, to be curbed, paved, re-paved or repaired by the owner or owners of the ground fronting on the same, at his or their own cost respectively, at such times and under such directions and regulations as the said town council may from time to time adopt.

Curbing and paving footways.

SECTION 5. If the owner or owners, or person or persons having the charge of any ground fronting on any footway, so as aforesaid required to be curbed, paved, re-paved or repaired, shall refuse or neglect to have the foot-way in front of such ground so paved, curbed, re-paved or repaired, for the space of sixty days after notice of such requisition shall have been served upon the owner or owners, occupier or occupiers of said ground, or in case such owner or owners, occupier or occupiers, cannot be found after notice of such requisition shall have been put up on said ground, it shall and may be lawful for the supervisor of the said borough to pave, curb, repair or re-pave the said foot-ways, and to recover the amount of the expense thereof, and twenty per cent. advance thereon, as a penalty for such refusal or neglect, and the costs of suit by an action in the corporate name of the said borough, before any magistrate, or in any court of the county of Lancaster having jurisdiction of debts of like amount, or to levy the same by distress and sale of the goods, chattels or personal property of the tenant in possession of any such ground, in the same way as is provided for the recovery of taxes in the second section of this act; and the owner or owners of such land shall be liable for the same to the said tenant, in the same manner as is provided in the said section with regard to taxes paid or levied by or from such tenants; and the amount of the expense of curbing, paving, re-paving or repairing any foot-way, together with the penalty of twenty per cent. shall, until the same be paid, be a lien on the ground fronting on such foot-way, in the same manner as taxes are made a lien by the first section of this act; and in case no owner or owners of such ground fronting on such foot-way, so curbed, paved, re-paved or repaired by the supervisor aforesaid, can be found, and no goods, chattels or personal property can be found upon the said ground sufficient to pay the expense of said curbing, paving, re-paving or repairing, then and in that case it shall and may be lawful for the said supervisor to make a statement of the amount of said expense, with the addition of the aforesaid penalty of twenty per cent., with a description of the said ground, and the fact that no owner or owners of the said ground could be found, and that no goods, chattels or personal property could be found thereon sufficient to pay the same; which statement, verified by the oath or affirmation of the said supervisor, before a magistrate having jurisdiction in the said borough, it shall be

Proceedings to enforce the curbing and paving.

lawful to file in the office of the prothonotary of Lancaster county; and process may be had thereon in the corporate name of the borough aforesaid, by scire facias, and judgment and execution shall be had thereon with like effect as in the case of mechanics' claims.

Powers of council to regulate wharves.

SECTION 6. The town council of the borough aforesaid, shall have, use, exercise and enjoy, the same powers and authorities and liberties, with regard to the licensing and regulation of wharves, or buildings in the nature of wharves, erected or extended, or to be erected or extended into the water of the Susquehanna river, from or opposite any part of the said borough, that are by law vested in the board of wardens of the port of Philadelphia, with regard to such erections or extensions into the rivers Delaware and Schuylkill, with power to recover before any of the magistrates or courts of Lancaster county, similar penalties to those provided in the act, entitled "An Act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," passed the twenty-ninth day of March, one thousand eight hundred and three, and the several supplements thereto; and the corporation of the borough aforesaid, is and shall be hereby invested with all and singular the powers and authorities, jurisdictions, rights and immunities, in and to, and over the ends of each and every of the public streets and alleys of said borough, which extend to or into the Susquehanna river, as fully to all intents and purposes, and to the like uses, as by the sixth section of an act, entitled "An Act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill," passed the twenty-fifth day of March, one thousand eight hundred and five, is or are granted to the corporation of the city of Philadelphia, respecting the ends of the streets and alleys which extend to or into the river Schuylkill.

Nuisances.

SECTION 7. When any structure, building, or erection in the borough aforesaid shall, in the opinion of the town council, become or be injurious to the health, or dangerous to the lives or property of the citizens, it shall and may be lawful for the said town council to declare the same a nuisance, and to require it to be removed; and if the owner or occupier of ground upon which such nuisance shall exist, shall refuse or neglect to remove the same within ten days after notice shall have been served upon him or her, or in case no owner or occupier can be found after such notice shall have been affixed to some conspicuous part of the premises, the supervisor of the borough shall proceed to remove the same; and the expense of such removal, with all costs, shall be a lien upon the ground, and the proceedings to recover the same, shall be in all respects as is provided in the fifth section of this act, with regard to pavements.

Taxes in the borough of Harrisburg, to be a lien upon the real estate.

SECTION 8. That all taxes, rates and levies, which may hereafter be lawfully imposed or assessed by the corporate authority of the borough of Harrisburg, on real estate situate in said borough, shall be and they are hereby declared to be a lien on the said real estate on which they may hereafter be imposed or assessed; and the said lien shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility, which the said real estate may become charged with, or liable to; from and after the passage of this act, said liens may be entered of record in the court of common pleas of Dauphin county, and to be recovered as other debts are recoverable in said court: *Provided*, That the existence of such lien shall not affect the right of freehold in any real estate otherwise unincumbered.

SECTION 9. That the water rent or water tax now authorized by law to be assessed and levied in said borough of Harrisburg, shall be collected and disposed of in the manner prescribed in the preceding section. Water tax or water rent in said borough, to be a lien on real estate.

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

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 316.

AN ACT

For the relief of colonel John Cresswell, Thomas Wallace and Peter Livingston.

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 state treasurer be and he is hereby authorized to pay colonel John Cresswell, fourteen dollars and sixty-two and a-half cents, the amount of a bill of Mistress Susan Hampson, for breakfast provided for fifty-eight members of captain Small's company, volunteers, at Huntingdon, on their march to the rendezvous at Pittsburg, twelfth December, one thousand eight hundred and forty-six, and which bill has been paid to Mistress Hampson, by colonel Cresswell. To Peter Livingston twenty-seven dollars, for breakfast furnished one hundred and eight men, captain Scott's company, at the time aforesaid; also to Thomas Wallace, sixty-eight dollars and sixty-eight and three-fourth cents, for breakfast furnished on the eleventh December, one thousand eight hundred and forty-six, to one hundred and sixteen men of captain Danna's company; and on the twelfth of the same month, for breakfast for one hundred and fifty men of captain Moorehead's company, and captain Small's company, and for three and one-half dozen tin cups for captains Hill, Binder and Nagle's companies, at the same time, out of any moneys in the treasury not otherwise appropriated. State treasurer claims.

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

WM. F. JOHNSTON,
Speaker of the Senate.

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

FRS. R. SHUNK.