

No. 284.

AN ACT

Supplementary to an act, entitled "An Act to establish a uniform standard for the measurement of bituminous coal, and authorizing the appointment of a wood inspector in the borough of Lewistown;" to extend Hancock street, in the city of Pittsburg; and in relation to a tavern license in Mifflin county; and to incorporate the East Birmingham and Mount Oliver turnpike and plank road company.

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 where disagreements arise between the seller and buyer of bituminous coal, in the county of Allegheny, as to the measure of good merchantable coal, put into the wagon, car or cart, at the mouth of the pit or at any of the wharves in the county of Allegheny, a standard of weight shall be established, of seventy-six pounds avoirdupois to the bushel of merchantable coal.

Standard weight of bituminous coal, regulated.

SECTION 2. On the parties disagreeing as to the measure of coal, and consenting to have the load or loads weighed and taken to a properly adjusted scale, the weigh-master of said scale shall superintend the weighing of the suspected load, estimating the number of bushels by the standard weight of seventy-six pounds to the bushel; for which service he shall be entitled to the usual fee or fees charged for similar draughts, to be paid by the party in error, on the presentation of a certificate of weight by the said officer; the amount of said fee to be collected as debts of like amount are recoverable by law.

Weigh-master, duties of.

SECTION 3. It is further enacted, that the owners of all wagons, cars and carts from which coal is sold and delivered, shall fill the same up to the brand or seal of the measurer, at the mouth of the pit, or at the wharves or river shores, in said county of Allegheny; and for every omission so to fill their wagons, cars and carts, and for every attempt to sell a larger quantity than was full measure, at the pit mouth or at the wharves, or river shores, the person offending shall forfeit the sum of ten dollars, which may be recovered, one moiety to the county and the other to the informer, on conviction before any alderman or justice of the peace.

Owners of wagons, cars and carts, to fill the same up to the brand or seal of the measurer.

SECTION 4. No beds of wagons, cars or carts, except those from which coal is sold and delivered, shall require the sealer's mark, nor shall the standard of weight be applied where the coal stands in the bed up to the sealer's mark, at which it is proposed to sell: *Provided,* That the miner or miners using the car or carts to convey the coal from the pit to the platform, can at any time they suspect the measurement allowed to any car or carts, compel the employer or employers to have the same measured and branded by the sealer of weights and measures, under the penalties heretofore enacted for refusal to have the sealer's mark or brand placed on the cars, carts and wagons.

Beds of wagons, cars and carts require the sealer's mark.

SECTION 5. When a dispute arises in the county of Allegheny as to the quantity of coal discharged from any wagon, cart or other vehicle, the sealer of weights and measures is hereby directed to have the same measured with a standard bushel, containing two thousand six hundred and eighty-eight cubic inches, for which he shall be entitled to the

Sealer of weights and measures of Allegheny county, duties of.

established fee, to be paid by the party in error; and for every refusal or neglect to superintend and have the same measured, he shall on conviction thereof, forfeit and pay the sum of ten dollars, which shall be recovered as debts of like amount are now recoverable, and paid into the county treasury.

Repeal.

SECTION 6. Any part or parts of acts with which this conflicts, are hereby altered and repealed.

Court of common pleas of Allegheny county authorized to appoint seven viewers for a certain street.

SECTION 7. That the court of common pleas of Allegheny county is hereby authorized, on petition for that purpose, to appoint seven disinterested citizens of said county as viewers, who are required to meet on five days' notice to them, and to all persons interested as owners of property proposed to be used or occupied by the extension of said street; and if said viewers, or not less than five of them, shall be in attendance, after being duly sworn or affirmed, shall proceed to view the ground over which it is proposed to extend Hancock street, in the city of Pittsburgh; and if the said viewers shall decide in favor of such extension, they shall proceed to locate the said Hancock street forty feet wide, (including Irvin's alley,) from Penn to Liberty streets, in said city; and said viewers shall also ascertain and determine what damage to private property is likely to be done by the extension of said street as aforesaid, and designate in their report the person or persons entitled to receive the amount demanded on account of said damage; if they shall be of opinion that the proposed increase of width of said street is expedient, they shall give notice to all persons interested in defraying the expense thereof, by ten days' notice in two daily papers of the city of Pittsburgh, of their meeting for that purpose; and at such meeting, said viewers shall further ascertain and determine what lots in the vicinity of said extension will probably be benefitted by the opening of said street, and divide and apportion, on equitable principles, the amount that each shall separately contribute to defray the damages incurred: *Provided however*, That a majority of said viewers shall be sufficient to decide any question that may arise; and if a sufficient number do not attend, they may adjourn from time to time; and on a refusal of any one or more to attend, the court may appoint others in his or their stead; and the said viewers shall make report, accompanied by a plot of the ground, to the said court, which report, if approved and confirmed by the court, shall be entered on record, and henceforth that part of Hancock street shall be deemed and taken to be a lawful public street: *And provided further*, That said street shall not be opened unless the said viewers shall ascertain, after a careful examination, that the benefits which will accrue to property in the vicinity of the said street, will be fully equal to the damages and costs which will be occasioned by the opening of the same.

Hancock street to be extended.

Damages, how adjusted.

SECTION 8. That as soon as the damages and costs so assessed shall be paid to the persons entitled thereto by said report, or into court, to abide its order of distribution, the prothonotary shall so certify to the court, and the court shall order said street to be opened.

Damages to be paid and street opened.

Liens.

SECTION 9. That the damages assessed as aforesaid, upon the lots reported to be benefitted by the opening of said street, shall be and continue to be a lien upon said lots until paid, and if not paid within six months after the approval by the said court, process may issue from said court in the nature of a writ or writs of scire facias, upon a mortgage in the name of the Commonwealth, for the use of the person or persons, or their legal representatives, entitled thereto, and may be prosecuted to trial, judgment and execution, for the amount of said damages, with interest and costs.

SECTION 10. That the expenses of viewing and assessing damages, and all other incidental matters not fully provided for in this act, shall be governed by the general road laws of the commonwealth. Certain expenses to be regulated by the general road laws.

SECTION 11. That the court of quarter sessions of Mifflin county are hereby empowered to hear and determine the application of James Turner, of Mifflin county, for tavern license in said county, as fully as though notice had been given of said application, in pursuance of the first section of an act relating to tavern licenses, passed March twenty-ninth, Anno Domini, one thousand eight hundred and forty-one. Tavern license, relative to the application of James Turner, of Mifflin county, for a.

SECTION 12. That John H. Page, E. Phillips, O. H. Ormsly, Jacob Hart, — Schofield, A. Hart, James Brice, or any five 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 East Birmingham and Mount Oliver turnpike and plank road company," with power to locate and construct a road from East Birmingham, in the county of Allegheny, starting near the intersection of Ormsly street, with Josephine street, or at some point on Josephine street more westerly; thence by the nearest and best route or routes to Mount Oliver, on Coal hill, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width of wheels in any case. Commissioners.

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SECTION 13. The capital stock of the company shall consist of one hundred and seventy shares, of twenty-five dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock, if it be deemed necessary to carry out the true intent and meaning of this act. Capital stock.

SECTION 14. That if this company shall not commence the construction of their road within three years after the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.