

much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the expenses of carrying out the provisions of this act, the accounts being first audited and adjusted by the auditor general and state treasurer, in the manner directed in like cases by existing laws.

Election of collector of state and county taxes in the county of Philadelphia, relative to.

SECTION 28. That the qualified electors of the several wards and townships in the county of Philadelphia, shall, at their next ward and township elections, and annually thereafter, at the ward elections, elect a collector of state and county taxes; and the person so elected shall be a resident of the ward for which he is elected: *Provided*, Said collectors elected as aforesaid, shall give security to be approved by the county commissioners, and that all vacancies shall be filled as now directed by law.

Courts in Juniata county, to be holden on first Monday in September.

SECTION 29. That the several courts of September term in and for the county of Juniata, shall hereafter be holden on the first Monday of September; and all acts or parts of acts inconsistent herewith, are hereby repealed.

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

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 346.

AN ACT

For the erection of a poor house in Wayne county.

Commissioners.

Duties.

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 William H. Dimmick, Buckley Beardslee, Gaylord Russell, Amory Prescott, Daniel Blanden, William F. Wood, Phineas Arnold, John Kelly, R. L. Seely, Samuel E. Dimmick, Russell F. Lord, Thomas H. R. Tracy, Theodore Groves, Ruel Hoadley, Zenos H. Russell and Josiah Cole, all of Wayne county, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-one, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Wayne county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act; and they shall

certify their proceedings therein under their hands and seals to the clerk of the court of quarter sessions of the county of Wayne, to be filed in his office; and at the next general election, the qualified electors of Wayne county shall elect three reputable citizens of said county, to be directors of the poor and of the house of employment for the county of poor.

Wayne, for the ensuing year; and the judges of the election of said county shall immediately, on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected directors, to the clerk of the court of quarter sessions of said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said directors of their being elected; and the said director who shall receive the highest number of votes, shall serve three years; and the said director who shall receive the second highest number of votes, shall serve two years; and the said director having the next highest number of votes, shall serve but one year; so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third shall be chosen annually; and the said directors shall meet at the court house to transact business on the first Monday of November ensuing their election.

Term of service.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation, which shall be filed in the office of the clerk of the court of quarter sessions, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable; and the directors qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case when it shall be necessary, in relation to the duties of their office.

Take oath.

SECTION 3. The said directors shall forever hereafter, in the name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Wayne, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor

Incorporate.

and of the house of employment for the county of Wayne;" and by that name shall and may receive, take, and hold, any lands, tenements

Style.

and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattles whatsoever, of gift, alienation or bequest, of any person or persons whatsoever; to purchase, take, and hold, any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with full and sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office, all moneys, bonds, notes, book accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at tors.

Privileges.

Powers of direc-

Bind out apprentices, &c.

pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices so that such apprenticeship may expire, if males, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house, and to have not less than three months schooling in each and every year; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to said corporation, and at their pleasure to alter and renew the same.

Increase of county tax.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings and furnishing the same, and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest, out of the county taxes: *Provided always*, That not more than one-fourth of the whole amount of the sum necessary for the purpose aforesaid, shall be added to the county tax annually thereafter to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Annual estimate of expenses.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year after the poor house shall have been completed, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended to the auditors appointed to audit and settle the county accounts, subject to the same penalties, and rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall, at least once in every year, lay before the court of quarter sessions and grand jury of said county, a list of the number, age and sex of the persons maintained and employed in the house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the name of their masters or mistresses, and their trade, occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by the said corporation; and also, an account of all sales, purchases, donation, *devices* and bequests as shall have been made by or to them.

Notice to be given to the overseers of the seve-

SECTION 6. As soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent signed by any two of the said directors, to the overseers

of the several townships of the said county of Wayne, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

SECTION 7. The said directors shall from time to time receive, provide for and employ according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Wayne, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Wayne, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Wayne.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law or any of the laws of this state, or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas for the time being of the county of Wayne, and shall have received the approbation of the same.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to said settlements, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the powers hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

SECTION 10. A quorum of said directors shall and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause

Monthly meeting.

to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Vacancies, how filled.

SECTION 11. In case of any vacancy by death or resignation or otherwise, of any of said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the second section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Pay of directors.

SECTION 12. The said directors shall each of them receive for their services the sum of one dollar per day, for each and every day actually employed, to defray the expense of their necessary attendance in the duties of their office.

Prior claims not to be affected by this act.

SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Wayne, shall be paid over to the treasurer of the poor house, to be applied to the maintenance and support of the poor; and as soon as the poor of the county of Wayne shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Powers of certain act relative to the collection of fines, &c., conferred on the supervisors of highways, &c., in said county of Wayne.

SECTION 14. The powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor in the several townships within this commonwealth, to recover certain penalties and fines and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Wayne; and that the justices of the peace and sheriff within the said county are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors within the time and in the manner aforesaid; and for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Repeal.

SECTION 15. So much of the laws of this commonwealth relating to the poor as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect the county of Wayne.

Sheriff to give notice to said commissioners of their appointment

SECTION 16. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be at the court house in Honesdale.

Publication of this act.

SECTION 17. It is hereby enjoined and made the duty of the sheriff of the county of Wayne, to cause this act to be published in all the papers of Wayne county, for three successive weeks immediately after its passage.

Election to be held for or against the erection of a poor house.

SECTION 18. For the purpose of ascertaining the sense of the citizens of Wayne county, as to the expediency of erecting a poor house, it shall be the duty of each of the inspectors of the several townships and boroughs at the next general election, to receive tickets either written or printed from qualified voters thereof, labelled upon the outside "poor house," and on the inside "for a poor house," or "against a

poor house;" and if it shall appear upon casting up the votes of the different districts at the court house on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect; but if a majority of votes are found to be against a poor house, the foregoing act to be and the same is hereby null and void.

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

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 347.

A N A C T

Relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth.

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 provisions of the twenty-fifth section of the act of assembly of March twenty-nine, one thousand eight hundred and thirty two, entitled "An Act relating to orphans' courts," which requires executrixes in certain cases to give security, shall be construed to embrace all cases therein specified, whether there are minors concerned in the estate or not, and whether she is sole executrix or otherwise.

Construing act relating to orphans' court, relative to bail of executrixes.

SECTION 2. That in all cases of the partition or valuation of real estate in any of orphans' courts of this commonwealth, it shall be lawful for the said courts, upon the application of the widow or any of the heirs of the decedent, instead of the separate rules heretofore issued in such cases, to grant a rule upon the parties interested to appear, and accept or refuse the said real estate at the valuation, or show cause why the said real estate, or any part thereof, should not be sold, in case they or any of them should neglect or refuse to take and accept the same as aforesaid.

Rule upon parties to appear and accept real estate, in cases of partition in orphans' court.

SECTION 3. All orders of sale of real estate as aforesaid which have been heretofore made by the said courts, upon the application of the