

No. 60.

AN ACT

To facilitate appeals by guardians, from the judgments of justices of the peace, and from awards of arbitrators, and for other purposes.

SECT. 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 from and after the passage of this act, in all cases where the guardian of any minor is or shall be a party to a suit, either before a justice of the peace or in the Common Pleas, such guardian shall be allowed to appeal from the judgment of said justice, and from the award of arbitrators, without making the usual affidavit, and without giving surety or paying costs.

Guardians may appeal from judgments, &c. without giving surety &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, whenever an appeal is entered to the Supreme Court, or a certiorari is sued out to remove the proceedings of a justice or alderman to the Common Pleas or Quarter Sessions, the party, his agent or attorney, may make and enter into the required affidavit and recognizance.

Party authorized to enter into recognizance personally or by agent.

SECT. 3. *And be it further enacted by the authority aforesaid,* That quarrying and mining, and all such other acts as will do lasting injury to the premises, shall be considered as waste, under the provisions of the second section of the act entitled, "A supplement to the act entitled, An act to enable the justices of the Supreme Court to hold circuit courts within this commonwealth," passed the second day of April, one thousand eight hundred and three: *Provided,* That no writ of estrepement shall be issued to prevent waste or injury by the working of quarries or mines, which were opened previous to the institution of the suit for recovering possession thereof, until the term next succeeding that to which the writ of ejectment was returnable, or until the plaintiff shall have filed, in the office of the prothonotary of the proper court, an affidavit that the title, or right of possession to the premises, or some part thereof, is vested in him, and until the attorney for the plaintiff shall have certified his opinion, that the title or right of possession is vested in the plaintiff as aforesaid: *And provided further,* That the court in which the action is pending shall have authority to dissolve the writ of estrepement, on the defendant giving security to indemnify the plaintiff against any damage or loss by the further working of the quarries or

Definition of "waste," under 2d section of act of 2d April, 1803.

Proviso.

Of quarries, &c. opened prior to institution of suits

2d proviso.

mines, or on such other terms and conditions as the court may consider equitable and just.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

JESSE R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-seventh day of March, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 61.

A SUPPLEMENT

To an act entitled "An act to continue the improvements of the state by rail roads and canals," passed February the sixteenth, one thousand eight hundred and thirty-three.

SECT. 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 sum of five hundred and thirty thousand dollars be, and hereby is appropriated to the several specific purposes hereinafter named, to wit: To the payment of the expenses of constructing feeders with their dams, towing paths and guard locks; the erection of weigh locks, and houses for weigh masters; the purchase of lots, and building lock houses; the construction of water ways around locks, waste weirs, waste gates, stop gates, bridges, fences, and other necessary works on old lines of canal, one hundred thousand dollars:—to the payment of claims for damages against the commonwealth, arising out of the construction of canals and rail roads, one hundred thousand dollars:—to the payment of the expenses of repairs on canals and rail roads, three hundred thousand dollars:—to the payment of the expense of constructing the works on the river Susquehanna, as herein-after authorized in the second section of this supplement, thirty thousand dollars.

Appropriations to construction of feeders, towing paths, &c. \$100,000.

Claims for damages, \$100,000.

Expenses of repairs, \$300,000.

Susquehanna dams, \$30,000

Construction of towing path on the feeder dam at New Castle authorized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the canal commissioners be, and are hereby authorized and required to cause to be constructed a towing path to the head of the slack water on the feeder dam at New Castle; and such locks, sluices, or other devices, at or near the Nanticoke, Muncy, and Shamokin dams, as will render