

Damages

refused, after having been notified in writing, to be collected by the same persons for the same use and in the same manner as the penalty imposed by the fifteenth section of this act; and the said company shall be further liable for the payment of all damages done to arks, boats or rafts, sustained in consequence of such neglect or refusal, to be collected as debts of similar amount are by law recoverable, for the use of the owners of such arks, boats and rafts.

Banking prohibited

SECTION 20. That the said company shall not have or exercise any banking privileges, or carry on any manufacturing or mining operations.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The twenty-second day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 122.]

AN ACT

To reduce the Capital of the Southern Insurance and Trust Company, of Philadelphia, and for other purposes.

Reduction of capital

Proviso

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 president and directors of the Southern Insurance and Trust Company, of Philadelphia, be and they are hereby authorized and empowered to reduce the capital stock of said company to one hundred and twenty-five thousand dollars, and to divide the same into shares of fifteen dollars each: *Provided,* That such reduction of capital shall not be made so as to impair the liability of the present capital stock of the company to any person or persons holding contracts with the company, for which the present capital

is pledged; and hereafter not more than three-fourths of the directors shall be eligible to re-election, and no director shall serve more than three out of four consecutive years, except the president at the time, who shall always be eligible to re-election: *Provided*, That before any reduction of capital shall be made, the assent thereto in writing of a majority of the stockholders in number and interest shall first be obtained.

SECTION 2. That Ezra Stiles Ely, formerly of the city of Philadelphia, clergyman, trustee under a certain declaration of trust, dated the twenty-ninth day of April, Anno Domini one thousand eight hundred and thirty-seven, and recorded in the office for recording deeds, &c, for the city and county of Philadelphia, in deed book S. H. F., number fifteen, page forty-nine, &c. be and hereby is authorized and empowered to sell, either at public or private sale, and to make and execute therefor a deed or deeds of conveyance, in fee simple, all that certain lot or piece of ground, in the district of Spring Garden, in the county of Philadelphia, with the church edifice and school house thereon erected, in the said declaration of trust particularly mentioned and described, free and clear of all trust and conditions whatever, except those contained in the aforesaid declaration of trust, and which are not inconsistent with this act, and except also a trust that the said lot of ground and church, edifice and school house, shall be used and occupied as a church and a school house by one of the various denominations of christians, whether Presbyterians or not, in such manner, however, with regard to the said school house, as that the present or any future owner or owners thereof shall have full power also to occupy or rent out the same as a school house generally, public or private, and the purchaser or purchasers of said premises shall take and hold a perfect title to the same, in fee simple, free and discharged from all trusts and conditions, except as aforesaid, and all deeds, heirs, claims, suits, executions, and other legal process relating to the said premises, and to the sheriff's sale thereof hitherto made and had, are hereby declared to have been regular and valid: *Provided always*, That no thing herein contained shall effect the right of the said original grantors or their heirs, to have and claim a re-conveyance of said lot of ground, if it shall, for four years, cease to be used or occupied as a church or school house, according to the provisions of this act, or shall be occupied for any purpose inconsistent with its use for a church or school house as aforesaid.

SECTION 3. That the school directors of Union township, Washington county, Pennsylvania, shall have full power to levy and collect a tax of one dollar from every taxable inhabitant of said township in addition to the tax already authorized

by law, and said tax shall be collected in the same manner and under the same penalties as the annual tax is now collected : *Provided*, That none of the money collected under the special tax shall be applied to any other purpose except school purposes : *And provided*, That a majority of the votes polled at an election to be held for that purpose, of which due notice shall be given, shall decide in favor of such additional tax.

Preamble

WHEREAS, Jacob Muffly and George Muffly are the owners of about three fourths of several contiguous tracts of land situate in Upper Mount Bethel township, in the county of Northampton, and the residue thereof, was formerly owned by a number of persons then residing in Philadelphia and New Jersey, and who are now either deceased or have disposed of their interests therein in such manner that the title cannot be traced, and their portions therein, which are exceedingly small, cannot be ascertained : AND WHEREAS, One or more persons, who are said to be owners of a small portion of these lands, are now in possession of a part thereof, and it has become necessary, for the protection of the respective interests of the said parties, and for the proper improvement of the said lands, that partition thereof should be made, and the proper shares of the said parties therein be set out to them in severalty ; Therefore,

Power to Jacob & George Muffly to issue writ of partition

SECTION 4. That a writ of partition in relation to said lands may be sued out of the court of common pleas of Northampton, by the said Jacob Muffly and George Muffly, against any person or persons who shall be in possession of any part thereof at the time of issuing the said writ, and upon the return day of the said writ the said court shall proceed to examine the title and quantity of the part or purports of the said plaintiffs and defendants respectively, and according as they shall find the said titles or purports to be they shall give judgment, and award a writ to make partition whereby such purports shall be set out to them in severalty, and the like proceeding as to judgment, and in all other respects shall and may take place, and with the same effect as in other cases of partition. And the said judgment allotting to the said plaintiffs and defendants in this case shall be valid and effectual, to vest in them their shares in the said premises in severalty, although all persons interested have not been summoned, and although the titles of the parties respectively shall not be truly set forth in the plaintiff's declaration. The residue of the said premises shall be and remain undivided for the use and benefit of the owner or owners thereof.

SECTION 5. That David Peelor, Heth F. Camp and John Decker, of Indiana county, John Sloan, junior, Peter Clover, junior, of Clarion county, and Robert Woodward, of Arm-

strong county, be and they are hereby appointed commissioners to view and lay out a state road from the Cherry tree, in Indiana county, to intersect the Waterford and Susquehanna turnpike, at or near the town of Clarion, in Clarion county, by the nearest and best route between said points.

State road
from Indiana
co to Clarion
co

SECTION 6. That it shall be the duty of said commissioners respectively, or a majority of them after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging, the declination of said road it may be preserved within that limit.

View ground

SECTION 7. That it shall be the duty of said commissioners respectively, plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorized to employ one surveyor, at a per diem allowance, not exceeding one dollar and fifty cents, and two chain carriers at a per diem allowance not exceeding one dollar, and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents, for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

Mark route

Pay

SECTION 8. That it shall be the duty of said commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the offices of the clerk of the court of Indiana, Armstrong and Clarion counties, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired, which are laid out by orders of courts aforesaid.

Draft

Accounts

SECTION 9. That the accounts of said commissioners for their own pay and the pay of surveyors, chain carriers, &c. shall be made out and returned to the commissioners of Indiana, Armstrong and Clarion counties, which shall be paid by orders drawn by the county commissioners on the treasury of their respective counties.

Meeting

SECTION 10. That the said commissioners shall meet on or before the first Monday in August next, or as soon thereafter as practicable, and complete the view of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or otherwise, the court of quarter sessions of Indiana county shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duty.

Lycoming
mutual Insu-
rance co

SECTION 11. That the Lycoming Mutual Insurance Company shall have a lien waiving the right of inquisition upon all the said property of the insured to the amount of his deposit note, or so much thereof as shall remain unpaid, which shall continue till the amount of such note, with interest and costs of execution if any, shall have been paid or satisfied, according to the provisions of the act to which this is a supplement, passed the twenty-ninth day of March, one thousand eight hundred and forty: *Provided*, Said company shall make out and deliver to the prothonotary of the county wherein such real estate shall lie, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note unpaid, and the term for which the insurance shall continue, and the prothonotary to whom the same is delivered is hereby required forthwith to file the same and enter the name of the individual or individuals insured, with the number of the premium note in his ad sectum index or docket, in regular order, without tax or fee, and the same, when so filed and entered, shall be deemed and taken to be in all respects as a judgment upon confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as by virtue of the provisions of this act may be due and demandable, but the lien thereof shall commence with the filing of such memorandum in the office of the prothonotary: *Provided*, That such lien shall be construed to take from such persons insured as aforesaid the privileges of a freeholder: *Provided also*, That before any execution shall be issued against the members of said company it shall be the duty of the officers of said company to cause to be made out a statement of the amount of premiums received, and the manner in which the money of the company has been expended, and file a copy thereof, attested by the oath or affirmation of the treasurer, in the office of the prothonotary

Proviso**2d Proviso**

of each county wherein members of said company reside who are to be effected by the issuing of such execution.

SECTION 12. That the sixth section of the act to which this is a supplement and which this is hereby supplied be and the same is hereby repealed.

SECTION 13. That the fiscal year of the county of Philadelphia and the fiscal year of the first school district, of the state of Pennsylvania, shall end on the thirtieth day of June annually, and the county commissioners shall publish annually, during the month of July, a statement of the receipts and expenditures of the said county, showing the amount of expenditure under each head, of appropriation made by the county board, and in addition the said statement shall contain all the items required by the twenty-third section of the act of the fifteenth April, one thousand eight hundred and thirty-four, and the comptrollers of the public schools of the first school district, shall publish annually, during the month of July, a statement of the receipts and expenditures, as now provided by law, and the present county board shall continue to exercise their powers until the first day of January, one thousand eight hundred and forty-three, and hereafter the members of said board shall hold their seats and exercise their powers for one year from the first day of January succeeding their election.

SECTION 14. That so much of any act that authorizes or directs the widening or opening of Washington street, formerly Cadwallader street, in the Kensington district of the Northern liberties, in the county of Philadelphia, between Master street and Second street, to a greater width than fifty feet, be and the same is hereby repealed.

SECTION 15. That the superintendent of that part of the Pittsburg and Butler turnpike road which lies in the county of Allegheny is hereby authorized and required to settle with Andrew Fleming for his claim for labor alleged to have been done and money expended on said road, and to make the same a part of his account, to be settled in the court of quarter sessions of said county of Allegheny, subject, however, to the revision and adjudication of said court in the same manner now directed by law for the settlement quarterly of the accounts of said superintendent, and the amount found due, if any, shall be paid out of the tolls collected on the first five miles of said road, leading from the city of Allegheny, and to be paid at such times and in such payments as the said court settling the accounts shall judge reasonable, having a due regard to the amount of tolls received, and after the present year

LAWS OF PENNSYLVANIA

the supervisors of the townships through which the Pittsburg and Butler turnpike road passes shall not be authorized to work out any portions of the road taxes on said road.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate

APPROVED—The twenty-sixth day of July, eighteen hundred and forty-two.

DAVID R. PORTER.

[No. 123.]

A SUPPLEMENT

To the act incorporating the Offerman Rail Road and Mining Company, passed the tenth day of April, Anno Domini, one thousand eight hundred and thirty-eight.

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 hereafter the name and style of the Offerman Rail Road and Mining Company, shall be changed to the Schuylkill Rail Road and Mining Company.

Name changed

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The twenty-sixth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.