

president, a president *pro tempore* shall be elected by the board; they shall also elect a treasurer from time to time, who shall give security as the trustees may require for the trust reposed in him.

SECTION 3. *And be it further enacted by the authority aforesaid,*
 Annual meeting. That the trustees shall meet annually, at nine o'clock, A. M. of Wednesday, in the week, and at the place when and where the association meets for the transaction of business; and the president, with the advice, in writing, of five trustees, shall have the right to call
 Special meeting. special meetings of the corporation, giving fifteen days notice; the proceedings of which meetings shall be valid, unless counteracted by two-thirds of the members present at the next annual meeting, and when
 Quorum. met, five trustees shall constitute a quorum; and all the trustees are to be lay members, and they shall have power to enact the necessary by-laws, rules and regulations for the well ordering and government of said
 By-laws. corporation, the same being not inconsistent with the constitution and laws of this state, or of the United States, and a record of the proceedings of the board shall be kept in a book provided for the purpose; and the funds of the association shall be applied to promote the objects of the institution, as the trustees may deem expedient from time to time.

SECTION 4. *And be it further enacted by the authority aforesaid,*
 Legislative reservation. That the legislature reserve the right of modifying or resuming the powers and privileges hereby granted.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-third day of May, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 377.

AN ACT

To provide for the ordinary expenses of government, repair of the canals and railroads of the state, and other claims upon the 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
 Appropriations. the following sums be and they are hereby specifically appropriated to the several objects hereinafter expressed, for one year, commencing on the first day of June, Anno Domini one thousand eight hundred and forty-four, and ending on the first day of June, Anno Domini one thousand eight hundred and forty-five, to be paid out of any moneys that may be in the treasury.

Expenses of government. *First.* For the expenses of government, the sum of two hundred and fifty thousand dollars.

Second. For the payment of pensions and gratuities, the sum of Pensions and gratuities. forty-seven thousand dollars.

Third. For common school purposes, the sum of two hundred thou- Common schools. sand dollars; and the warrants to be issued by the superintendent of common schools, to the several accepting school districts for the school year commencing on the first day of June next, shall be so apportioned, according to the number of taxable inhabitants in each accepting district, as not to exceed the amount hereby appropriated.

Fourth. For the house of refuge, by act of sixteenth April, one House of refuge. thousand eight hundred and forty, the sum of four thousand dollars, subject to all the provisions and conditions of said act.

Fifth. For the institution for the instruction of the blind, the sum of Asylum for blind. eight thousand dollars, by act of eleventh October, one thousand eight hundred and thirty-nine.

Sixth. For the Pennsylvania institution for the instruction of the Deaf and dumb. indigent deaf and dumb pupils therein of this commonwealth, eleven thousand dollars.

Seventh. For the ordinary repairs on the canals and railroads during Repairs on public the present year, the sum of one hundred and thirty thousand dollars, improvements. in addition to the appropriation already made by act of nineteenth March, one thousand eight hundred and forty-four, and for ordinary repairs, after the first day of December next, the sum of fifty thousand dollars: *Provided*, That no part of said sum of fifty thousand dollars shall be expended before the said first day of December, except so much of the same as may be necessary for the purchase and preparation of materials for executing repairs after said period.

Eighth. For re-building and repairing of road and farm bridges on Bridges. the public works, the sum of thirty-four thousand dollars. The Erie canal company are hereby required to re-build or repair such of the Erie canal com- public bridges on the French Creek feeder and Erie canal as requires pany. re-building or repairing, the expenses of which shall be charged as other repairs on said canal.

Ninth. The expenses of motive power shall be paid out of the mo- Motive power, tive power fund, as directed by law. The amount received for the use trucks, &c. of state trucks and boat slips, and motive power toll on state trucks, are hereby appropriated—first, for defraying the cost of current repairs and other incidental expenses of said trucks and boat slips, and afterwards for the payment, pro rata, of debts and expenses heretofore incurred in the purchase or construction of said trucks and boat slips, and for the machinery used for hauling boats out of and into the canals, and for labor done and materials used thereon: *Provided*, That hereafter the charges on the trucks owned by individuals for motive power tolls, shall be the same as are charged in like cases on the trucks belonging to the state.

Tenth. For the payment of canal commissioners and clerks, and Canal commis- contingent expenses of the canal board, the sum of six thousand three sioners, clerks, hundred and eighty dollars; and hereafter no account for contingencies &c. in any of the public offices at the seat of government shall be allowed, except for light, fuel, stationery, blank books, messengers, the necessary cleansing and repairing of the offices, and for postage on letters and documents received and sent by the heads of each of said departments in their official capacity, and concerning the business and duties of their respective offices; and each of the heads of said department shall keep a fair and correct account of every item of such contingencies, and shall quarterly render the account thereof, verified by his

- Proviso. affidavit, to the auditor general, which shall be settled as other accounts : *Provided*, That neither of said accounting officers shall adjudicate upon his own account, but the same shall be done by the other accounting officer : *Provided further*, That the appropriations for ordinary expenses of the canals and railroads, as well as for the pay and expenses of the canal board, may be paid as the interests of the public service may require, at any time after the passage of this act.
- Lock-keepers, collectors, weigh-masters, &c. *Eleventh*. For the payment of lock-keepers, collectors, weighmasters, supervisors, and all other officers, and for clerk hire, house rent and stationery, on the canals and railroads, the sum of sixty thousand dollars.
- Check rolls, &c. *Twelfth*. For the payment of check roll and bill creditors on the finished lines of canals and railroads, for labor performed and materials and fuel furnished prior to the ninth day of January, one thousand eight hundred and forty-four, two hundred thousand dollars; and the superintendents and supervisors in the employment of the commonwealth, shall proceed forthwith to pay said claims, according to their priority, and shall allow and pay interest thereon, at the rate of six per centum per annum, to be computed from a period of six months subsequent to the time when such claims became due until the date of payment : *Provided*, That interest shall only be allowed to such persons as have themselves performed labor or furnished materials, for which they may have claims against the commonwealth, as aforesaid, at the time of making the settlements hereby authorized.
- Breaches on improvements. *Thirteenth*. In case of any breach occurring on any of the lines of canal requiring extraordinary repairs, the state treasurer is hereby authorized and directed to pay, on the warrant of the canal commissioners, such sum as they may deem necessary, according to an estimate to be furnished to the state treasurer of the amount that may be required for the purpose : *Provided*, That the amounts drawn shall not exceed fifty thousand dollars.
- Interest on 4th May issues. *Fourteenth*. For the payment of interest on the notes issued under the act of fourth May, one thousand eight hundred and forty-one, the sum of twenty-four thousand nine hundred and seventy-five dollars.
- Interest on certificates. *Fifteenth*. For the payment of interest on the certificates issued by the auditor general to domestic creditors, thirteen thousand dollars.
- Miscellaneous. *Sixteenth*. For miscellaneous items, five thousand dollars.
- Adjutant general, &c. *Seventeenth*. For the salaries of adjutant general, brigade inspectors and keepers of arsenals and contingent expenses, a sum not exceeding six thousand dollars.
- Library. *Eighteenth*. To the state library, one thousand two hundred dollars, in accordance with existing laws : *Provided*, That the accounts of the library committee shall be settled by the auditor general.
- H. Alricks, attorney fee. *Nineteenth*. To Hamilton Alricks, for professional services rendered to the commonwealth in the supreme court, in the case of the commonwealth *ex relatione* Hepburn against Job Mann, state treasurer, the sum of one hundred dollars; and for the costs of the mandamus, fourteen dollars and fifty cents.
- Gratuities to convicts. *Twentieth*. For the payment of gratuities to convicts discharged from the state penitentiaries by act of twenty-third April, one thousand eight hundred and twenty-nine, the sum of six hundred dollars.
- Powder magazine Philadelphia. *Twenty-first*. For repairs of the state magazine in Philadelphia county, five hundred dollars, to be expended in repairing the building,

under the direction of the superintendent, the accounts to be settled by the auditor general.

Twenty-second. For payment of the necessary expenses of the commissioners, and for the expenses of advertising and printing, and all other expenses incurred under the act of fourteenth of April, Anno Domini one thousand eight hundred and forty-three, entitled "An Act to authorize the governor to incorporate the Delaware canal company, and for other purposes," a sum not exceeding one hundred and fifty dollars, the accounts to be first settled and allowed by the auditor general; that the auditor general is hereby authorized and required to settle the claim of Swain, Abel and Simmons, for publishing the sale of the state stocks, and draw his warrant for the amount which may be found due, upon the state treasurer.

Twenty-third. To the Eastern penitentiary, eight thousand dollars. Eastern penitentiary.

Twenty-fourth. To the Western penitentiary, five thousand dollars; and hereafter the wardens of the Eastern and Western penitentiaries shall each receive a compensation not exceeding twelve hundred dollars; the moral instructors not more than five hundred dollars each; the principal overseers not more than six hundred dollars each, and each of the other male overseers not more than five hundred dollars per annum, to be fixed by the inspectors of the said penitentiaries; the said sums hereby appropriated to the Eastern and Western penitentiaries, shall be applied towards the payment of the salaries of the officers of said institutions, the accounts to be settled in the usual manner; and the annual reports now required by law from the inspectors of said penitentiaries, shall hereafter embrace a detailed statement of the manner in which the sums annually appropriated are expended, together with an accurate account of the amount paid for materials and for subsistence of prisoners, and the amount received from the profits of labor, so as to show distinctly the balance of expenditures over the receipts from labor: *Provided*, That the wardens of the Eastern and Western penitentiaries shall furnish to the several counties a separate account of the expense of and labor performed by the prisoners from each county, before any county shall be required to pay any excess for keeping its prisoners, and the said wardens shall furnish, under oath or affirmation, a similar account to the legislature annually; and any excess that shall remain after paying the expense of maintaining said prisons, shall be paid annually into the state treasury; and the provisions of the thirteenth division of the first section of the act of the twenty-ninth of September, one thousand eight hundred and forty-three, entitled "An Act to provide for the ordinary expenses of government, and for other purposes," be and the same is hereby repealed. Excess.

Twenty-fifth. For the repair and keeping in order of the public buildings and grounds at the seat of government, the sum of two hundred dollars. Public grounds.

Twenty-sixth. For the payment of the interest on the funded debt of this commonwealth, which became due on the first day of February, Anno Domini, one thousand eight hundred and forty-four, and to provide for the payment of the interest which will become due on the first day of August next, the governor is hereby authorized and directed to cause certificates of stock, transferable on the books of the auditor general, or at the Bank of Pennsylvania, to be issued to the persons respectively to whom the interest on the state debt became due, on the first day of February, one thousand eight hundred and forty-four; and also, on the first day of August, one thousand eight hundred and forty-four, to the persons respectively to whom interest shall then become Interest on funded debt. Certificates transferable.

- due, which certificates shall be signed by the auditor general and countersigned by the state treasurer, and bear an interest of five per centum per annum, payable yearly, at such place as may be by the state treasurer designated, and redeemable on the first day of August, one thousand eight hundred and forty-six: *Provided*, That in all cases when the amount of interest claimed does not exceed twenty dollars, the same shall be paid out of any money in the treasury not otherwise appropriated, if the certificate upon which such interest be demanded shall have been issued prior to the first of February, one thousand eight hundred and forty-four: *And provided further*, That before any payment shall be made under the foregoing proviso, the owner of the said stock, or the person legally authorized to receive the sum to be paid, shall make oath or affirmation before the state treasurer, or other person authorized by him to pay the same, or before any justice of the peace or alderman of this commonwealth, who are hereby authorized to administer such oath or affirmation, that the said stock is the bona fide property of the person in whose name it stands, and that he is not the owner of other certificates, and has not divided his stock for the purpose of receiving such payment, and a sum not exceeding fourteen thousand dollars, is hereby appropriated for the cash payments of interest to be made as hereinbefore directed; that the state treasurer is hereby authorized to pay to Jerome K. Boyer, the sum of twenty-five dollars, in full for his services in examining and comparing the proof sheets of the several reports of the committee on printing, and in full for all services, as one of the secretaries of said committee.

Twenty-seventh. That the clerk hire of the office of secretary of the land office, from the first day of October, one thousand eight hundred and forty-three, to the tenth day of May, one thousand eight hundred and forty-four, shall be the sum of fifteen hundred dollars, notwithstanding the words "per annum" in the clause of the act continuing said office until the tenth day of May next.

Twenty-eighth. To pay incidental expenses arising under a resolution, entitled "Resolution relative to the prosecution of certain persons," passed January sixth, one thousand eight hundred and forty-four, eight hundred dollars: *Provided*, That the account shall embrace only the legal fees for procuring evidence and witnesses in the state, and the reasonable expenses of procuring evidence, witnesses and other persons from other states, and shall be settled by the auditor general in the usual manner; and the counsel, or either of them, shall have full power to sign bills of indictment, and conduct the same in all respects in the performance of the duty assigned them, in the same manner as is lawful for the attorney general to do.

Twenty-ninth. For compensation and contingent expenses of electors of president and vice president, the sum of eight hundred dollars.

SECTION 2. From and after the first day of June next, no moneys shall be paid out of the state treasury, except as is herein specifically appropriated; and from and after the first day of June next, so much of the act, entitled "An Act to provide for the ordinary expenses of the government, and for other purposes," passed twenty-ninth September, one thousand eight hundred and forty-three, as makes appropriations to any purpose, and all other acts making appropriations, be and the same are hereby repealed.

SECTION 3. That in case the sum hereby appropriated for any object should be found more than sufficient to meet the expense thereby contemplated, the same shall not be applied to any other purpose, but shall

remain in the treasury, credited to such object of appropriation and subject to future legislation.

SECTION 4. In order to enable the legislature hereafter to make specific appropriations for the expenses of government, it shall be the duty of the secretary of the commonwealth, and superintendent of common schools, auditor general, state treasurer, surveyor general and canal commissioners, severally, to communicate to the legislature, on or before the third Tuesday of January, in each and every year hereafter, a detailed estimate of the contingent expenses of their several departments, for one year, from the first of June then next ensuing.

Duty of heads of department, canal &c.

SECTION 5. That the state treasurer be and he is hereby authorized and directed, on the last days of June, September and December in the year one thousand eight hundred and forty-four, to cancel and deliver to the auditor general, for destruction, fifty thousand dollars; and on the last days of March, June, September and December in every year thereafter, fifty thousand dollars of the notes issued by the banks of this commonwealth, in pursuance of the act of fourth May, one thousand eight hundred and forty-one, that may then be in the treasury—and if said notes shall be depreciated, then of the most depreciated—and continue so to do until the whole amount of the notes legally issued by the banks, as aforesaid, shall have been cancelled and destroyed; and the amount deposited to the credit of the commonwealth, in banks or savings institutions, or received by collectors on the railroads and canals, or by the treasurer of the city and county of Philadelphia, shall be deemed as money in the treasury, and subject to the cancellation, as aforesaid; and it shall be the duty of the auditor general to keep and publish, quarterly, in at least one newspaper at Harrisburg, a record of the notes so cancelled and destroyed, designating the bank or banks that originally issued the same, in order that the one per centum interest thereon may cease: *Provided*, That it shall be the duty of the state treasurer to retain the several amounts, respectively, out of the receipts of the quarter, so as effectually to secure the cancellation of the amounts hereinbefore provided; and the sum of one hundred and sixty thousand dollars is hereby appropriated for the payment of domestic creditors' certificates issued by the auditor general: *Provided*, That there is sufficient money in the treasury after paying the several other appropriations in this act.

Cancellation of relief notes.

Proviso.

Proviso.

SECTION 6. That so much of the act, entitled "An Act to provide for the payment of the domestic creditors of this commonwealth, sale of state stocks, and for other purposes," passed eighth April, one thousand eight hundred and forty-three, as relates to the cancellation of the notes issued by the banks of this commonwealth, in pursuance of the act of the fourth of May, one thousand eight hundred and forty-one, as is hereby altered and supplied, be and the same is hereby repealed; and no cancellation of said notes shall take place in May, one thousand eight hundred and forty-four.

Repeal.

SECTION 7. That the several superintendents of motive power, supervisors of repairs, collectors of tolls, and toll gatherers, weighmasters, and inspectors of cargoes, and their assistants and clerks, and all other agents upon the public improvements who have been appointed by the board of canal commissioners, and who are now in office, or who may hereafter be appointed by the same, shall take and subscribe an oath or affirmation, before some judge, alderman or justice of the peace of this commonwealth, in the following form, to wit:

Canal and railroad officers.

I, ———, being duly appointed ———, do swear, Oath. (or affirm,) as the case may be, that I will support the constitution of

the United States and of this commonwealth, and will well and truly observe and obey all the laws and regulations relative to the canals and railroads of this commonwealth, as well as all lawful instructions that may from time to time be given to me, by any competent authority, concerning the same; and that I will in all things discharge the duties pertaining to my said office or appointment, with fidelity. Which oath or affirmation, when so taken and subscribed, shall be certified by the officer before whom it was taken, and filed in the office of the secretary of the commonwealth.

Certain officers
authorized to ad-
minister oaths.

SECTION 8. That the several collectors of tolls on the canals and railroads of this commonwealth, shall have authority to administer oaths or affirmations to any owner, captain, conductor or other agent of any boat or car used upon the state improvements, and to examine them on oath or affirmation, touching the weight and description of their cargoes, and in relation to all other matters and things connected with the faithful discharge of the official duties of the said collectors; and any person who shall knowingly swear falsely before any of the said collectors, shall be liable to prosecution, conviction and punishment, as in other cases of wilful perjury.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of May, one thousand eight hundred and forty-four.

DAVID R. PORTER.