

## No. 340.

## A N A C T

To provide for the ordinary expenses of government, the 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* the following sums be and they are hereby specifically appropriated to the several objects hereinafter expressed, for the year commencing on the first day of June, one thousand eight hundred and forty-six, and ending on the first day of June, one thousand eight hundred and forty-seven, to be paid out of any money in the treasury not otherwise appropriated.

Appropriations.

Salaries of executive and other departments.

I. For the salary of the governor, three thousand dollars; for the salary of the secretary of the commonwealth, twelve hundred dollars; and the further sum of five hundred dollars as superintendent of common schools; for the salary of the deputy secretary of the commonwealth, one thousand dollars; for the salary of the auditor general, fourteen hundred dollars; for the salary of the surveyor general, twelve hundred dollars; for the salary of the attorney general, three hundred dollars; for the salary of the adjutant general, three hundred dollars; for the salary of the state treasurer, fourteen hundred dollars; for clerk hire in the state department, three thousand dollars; for clerk hire in the auditor general's office, four thousand five hundred dollars; for clerk hire in the state treasurer's office, three thousand two hundred dollars; for clerk hire in the surveyor general's office, four thousand one hundred dollars; for the salary of the state librarian, five hundred dollars.

Clerk hire in various departments.

Pensions and gratuities.

II. For the payment of gratuities and pensions, forty thousand dollars.

Common schools.

III. For common schools, two hundred thousand dollars, to be paid out on warrants issued by the superintendent of common schools, to the several accepting school districts in the commonwealth, in proportion to the number of taxable inhabitants in said districts, respectively; and for the school district of Spring Creek, in Warren county, and Paint school district, in the county of Clarion, the sum of two hundred and fourteen dollars and ninety-six cents, which shall be paid out of the above mentioned two hundred thousand dollars: *Provided, That* the amount for which warrants shall issue to the accepting districts in any county, shall not exceed one-half the amount paid by such county into the state treasury, for state purposes, on account of the amount payable from such county, for the fiscal year ending on the thirtieth day of November, one thousand eight hundred and forty-five.

Proviso.

House of refuge; institution of the blind; institution of the deaf and dumb; gratuities to convicts.

IV. For the house of refuge, four thousand dollars; for the institution for the instruction of the blind, nine thousand dollars; for the Pennsylvania institution for the instruction of the indigent deaf and dumb pupils therein, eleven thousand dollars; for the payment of gratuities to convicts discharged from the state penitentiaries, six hundred dollars.

Repairs of canals and railroads.

V. For the repairs of the canals and railroads belonging to the state, during the present year, one hundred and seventy-five thousand dollars; and for the repairs of the Shamokin, Nanticoke and Dunsburg dams,

the sum of twenty thousand dollars ; and for extending the wing-wall of the schute in the Muncy dam, up into the pool of said dam, two thousand dollars ; and for the ordinary repairs, after the first day of December next, the sum of fifty thousand dollars : *Provided*, That no part of the said sum of fifty thousand dollars, 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, and for the repairs of the damages caused by the late disastrous flood to the several divisions of the state improvements, the following sums, to wit : to the main line, sixteen thousand dollars ; to the Delaware division, fourteen thousand dollars ; to the Susquehanna division, eight thousand dollars ; to the North Branch division, ten thousand dollars ; and to the West Branch, seven thousand dollars ; payable on the warrants of the canal commissioners, as soon as required after the passage of this act : *Provided*, That one hundred dollars of the sum appropriated, in this section, for repairing the Susquehanna division, shall be expended under the direction of the canal commissioners, in widening and improving the rafting channel in the Susquehanna river, at Gurdy's Notch, in the county of Perry.

VI. For the payment of the canal commissioners, three thousand two hundred and eighty-five dollars ; for secretary and clerk hire, in the office of the canal commissioners, one thousand dollars ; for contingent expenses of canal commissioners' office, to wit : compensation of messenger, three hundred dollars ; for postage, three hundred dollars ; for stationery, one hundred and fifty dollars ; for printing, twenty-five dollars ; for lights, repairs and furniture in office, and miscellaneous items, one hundred and forty dollars ; for the payment of lock-keepers, thirty-one thousand dollars ; for the payment of collectors, weigh-masters and other agents, house rent, stationery, and other incidental expenses of their offices, thirty-one thousand dollars ; the compensation of such officers to be fixed by the canal commissioners, and shall not exceed that now authorized by law, or by the board in eighteen hundred and forty-five ; and the whole number of such agents shall not exceed twelve ; and the appropriations contained in this division may be paid out as the interests of the public service require, at any time after the passage of this act.

VII. For the state library, six hundred dollars, seventy-five dollars of which to be expended in the purchase of books for said library, and seventy-five dollars of which shall be retained for such necessary contingencies as the library committee shall direct, and the balance thereof shall be expended in the payment of debts heretofore contracted by the library committee ; and no debt contracted by the librarian, shall be allowed or paid by the commonwealth ; and the accounts for all expenditures under this division shall be settled by the auditor general.

VIII. To the eastern penitentiary, eight thousand dollars ; to the western penitentiary, six thousand three hundred and fifteen dollars ; and the further sum of two thousand six hundred and thirty dollars, to pay balances of salaries of officers of said penitentiary, for the last two years, if any such balances exist.

IX. For keeping in repair and improving the public grounds, two hundred dollars ; to be expended under the direction of the state treasurer and auditor general, and for enclosing the whole of the public grounds, the sum of three hundred dollars, to be expended under the direction of the said officers.

X. For the payment of the expenses of the legislature, including pay for members, clerks, officers, and contingent expenses, seventy-five thousand dollars.

Public printing.

XI. For the public printing, folding, stitching, and binding, twenty thousand dollars; and the further sum of five thousand dollars for printing and binding for the year ending the first of June, eighteen hundred and forty-six.

Contingent expenses of executive and state departments.

XII. To pay contingent expenses of the executive and state departments, including the department of common schools, viz: for messengers, six hundred and eighty dollars; for stationery, four hundred and fifty dollars; for fuel and light, sixty dollars; for postage, fourteen hundred dollars; for two stoves, twenty-six dollars; for cleansing offices and chambers, twenty-five dollars.

Contingent expenses of auditor general's office.

XIII. To pay contingent expenses in the office of the auditor general, viz: for one messenger, two hundred and twenty dollars; for postage, four hundred dollars; for stationery, two hundred dollars: for fuel and light, seventy-five dollars; miscellaneous, twenty-dollars; for postage during the current year, in addition to former appropriation, two hundred dollars.

Contingent expenses of state treasury office.

XIV. To pay contingent expenses in the office of the state treasurer, viz: for postage, three hundred dollars; for stationery, one hundred and fifty dollars; for fuel and light, sixty dollars; for messenger and night-watch, three hundred and sixty-five dollars; miscellaneous, twenty dollars.

Contingent expenses of surveyor general's office.

XV. To pay contingent expenses in the surveyor general's office, viz: for postage, ninety dollars; for stationery and books, two hundred dollars; for fuel, seventy dollars; for messenger, three hundred and sixty dollars; for cleaning offices and rooms, thirty-five dollars; for candles, brushes, brooms, &c., fifteen dollars; miscellaneous items, fifteen dollars.

Interest on domestic creditors' certificates.

XVI. For the payment of interest on the certificates issued to domestic creditors, six thousand dollars.

Interest on 4th of May issues.

XVII. For the payment of interest on the notes issued under the act of the fourth of May, eighteen hundred and forty-one, twenty-one thousand dollars.

Guarantee, Bald Eagle and Spring Creek navigation company.

XVIII. For the payment on account of the guarantee for the Bald Eagle and Spring Creek navigation company, as per act of seventh April, eighteen hundred and thirty-five, of instalments of interest due in January and July, eighteen hundred and forty-six, ten thousand dollars; for the payment on account of the guarantee for the Tioga navigation company, as per act of fourteenth of April, eighteen hundred and thirty-five, of instalment of interest due first of January, eighteen hundred and forty-six, five thousand seven hundred and twenty-one dollars and seventy-three cents; for the payment of the guarantee to the

Guarantee, Tioga navigation company.

Guarantee, Danville and Pottsville railroad company.

Danville and Pottsville railroad company, as per act of the eight of April, eighteen hundred and thirty-four, of instalments of interest due December, eighteen hundred and forty-four, and December, eighteen hundred and forty-five, thirty thousand dollars: *Provided*, That the sums hereby appropriated, (except the instalments on the guarantee to the Danville and Pottsville railroad company, for the year eighteen hundred and forty-four,) shall not be paid out until the semi-annual interest on the funded debt of the commonwealth, falling due on the first day of August next, shall have been paid in full: *And provided further*, That the aforesaid loans or guaranties shall, hereafter, be subject to a tax, for the use of the commonwealth, at the rate of one-half mill on each and every dollar of the par value thereof, on which one per centum per annum of interest shall, or may be paid by the state; and an additional half mill on every dollar of the par value thereof, for every additional one per centum paid as aforesaid; and it shall be the duty of the state treasurer, to retain and deduct the amount of such tax from,

Proviso.

Proviso.

and out of any payment or payments of such interest : *And provided further,* That the annual statements required to be furnished to the legislature by said companies, shall be made in detail, specifically setting forth the expenses and receipts, and the rates of toll on the several kinds of commodities transported over the works of said companies. Proviso.

XIX. To pay the borough of Harrisburg, for supplying the capitol and public offices with water, per act of twenty-eighth April, eighteen hundred and forty, six hundred dollars. Borough of Harrisburg, for water.

XX. To pay expenses of publishing laws in newspapers, one hundred dollars. Expenses for publishing laws.

XXI. To pay expenses of boxing and distributing the laws and journals of the legislature, one thousand dollars ; and the secretary of the commonwealth shall, in making a contract or contracts, for services under this division, give said contract or contracts, to such competent person or persons as may agree to perform the said service, for the lowest sum of money. Expenses for distributing laws and journals.

XXII. For miscellaneous items, one thousand dollars. Miscellaneous.

XXIII. For the payment of the expenses of the judiciary, to wit :— for the salary of the chief justice of the supreme court, two thousand six hundred and sixty-six dollars and sixty-six cents ; for the salaries of each of the two associate justices of the same court, whose commissions bear date prior to the nineteenth day of July, eighteen hundred and thirty-nine, two thousand dollars ; for the salary of one associate justice of the same court, whose commission bears date subsequent to the nineteenth day of July, eighteen hundred and thirty-nine, and prior to the fourteenth day of January, eighteen hundred and forty-three, two thousand four hundred dollars ; for the salary of one associate justice of the same court, whose commission bears date since the seventeenth day of April, eighteen hundred and forty-three, sixteen hundred dollars. Judiciary.

For the daily pay of the justices of the supreme court, five thousand five hundred dollars : *Provided however,* That the said justices shall not charge or receive any daily pay, except for the days employed in traveling, and in the discharge of their judicial duties, whilst the court is in actual session.

For the salary of the president judge, and three associate judges of the first judicial district, composed of the city and county of Philadelphia, ten thousand four hundred dollars, that is to say : two thousand six hundred dollars to each of said judges.

For the salaries of the president judge and two associate judges of the district court, for the city and county of Philadelphia, six thousand dollars, that is to say : two thousand dollars to each of said judges.

For the salary of the president judge of the second judicial district, composed of the county of Lancaster, sixteen hundred dollars ; for the salary of the president judge of the district court for the city and county of Lancaster, two thousand dollars.

For the salary of the president judge of the third judicial district, composed of the counties of Berks, Northampton and Lehigh, sixteen hundred dollars.

For the salary of the president judge of the fourth judicial district, composed of the counties of Centre, Clearfield and Clinton, two thousand dollars.

For the salary of the president judge of the fifth judicial district, composed of the county of Allegheny, two thousand five hundred dollars ; for the salaries of the president judge, and one associate judge of the district court for the county of Allegheny, the sum of two thousand dollars to each of said judges.

For the salary of the president judge of the sixth judicial district, composed of the counties of Erie, Crawford, Venango and Warren, sixteen hundred dollars.

For the salary of the president judge of the seventh judicial district, composed of the counties of Bucks and Montgomery, sixteen hundred dollars.

For the salary of the president judge of the eighth judicial district, composed of the counties of Northumberland, Lycoming and Columbia, sixteen hundred dollars.

For the salary of the president judge of the ninth judicial district, composed of the counties of Cumberland, Perry and Juniata, sixteen hundred dollars.

For the salary of the president judge of the tenth judicial district, composed of the counties of Westmoreland, Indiana, Armstrong and Cambria, sixteen hundred dollars.

For the salary of the president judge of the eleventh judicial district, composed of the counties of Wayne, Pike, Wyoming and Susquehanna, sixteen hundred dollars.

For the salary of the president judge of the twelfth judicial district, composed of the counties of Dauphin and Lebanon, sixteen hundred dollars.

For the salary of the president judge of the thirteenth judicial district, composed of the counties of Bradford, Tioga and Luzerne, sixteen hundred dollars.

For the salary of the president judge of the fourteenth judicial district, composed of the counties of Fayette, Washington and Greene, sixteen hundred dollars.

For the salary of the president judge of the fifteenth judicial district, composed of the counties of Chester and Delaware, sixteen hundred dollars.

For the salary of the president judge of the sixteenth judicial district, composed of the counties of Franklin, Bedford and Somerset, two thousand dollars.

For the salary of the president judge of the seventeenth judicial district, composed of the counties of Beaver, Butler and Mercer, two thousand dollars.

For the salary of the president judge of the eighteenth judicial district, composed of the counties of Potter, M'Kean, Jefferson, Elk and Clarion, sixteen hundred dollars.

For the salary of the president judge of the nineteenth judicial district, composed of the counties of York and Adams, sixteen hundred dollars.

For the salary of the president judge of the twentieth judicial district, composed of the counties of Huntingdon, Mifflin and Union, two thousand dollars.

For the salary of the president judge of the twenty-first judicial district, composed of the counties of Schuylkill, Carbon and Monroe, sixteen hundred dollars.

**Recorder Lancaster.** For the salary of the recorder of the mayor's court of the city of Lancaster, six hundred dollars, unless the said court shall be abolished by the present legislature.

**Mileage, president judges.** For the mileage of the president judges of the several judicial districts, five thousand dollars.

**Mileage, associate judges.** For the salaries and mileage of the associate judges in the several counties of the commonwealth, sixteen thousand five hundred dollars.

For the expenses of special courts, one thousand dollars.

XXIV. For the payment of damages heretofore awarded by the late Damages on ca-board of appraisers, and the board of canal commissioners, under general nal and railroad. and special laws, twenty thousand dollars.

XXV. For the payment to John Snodgrass, the sum of one hundred John Snodgrass. and thirty-one dollars, being the amount of dividend on certain stocks purchased by him from the commonwealth, which was erroneously paid into the treasury.

XXVI. For the payment of repairs and cleaning done to arms stored Repairs of arms, in the arsenal at Philadelphia, forty-four dollars and eighty-eight cents ; &c. for repairing the arsenal at Meadville, fifty dollars, which sum of fifty dollars, shall be expended under the direction of the adjutant general ; for paying expenses of removing certain arms from the United States arsenal at Pittsburg, to the state arsenal at Meadville, two hundred and sixty-eight dollars and ninety-nine cents ; for the payment of keepers Keepers of arse-nals. of state arsenals, four hundred and fifty dollars ; for the payment of the expenses of putting a new roof on the arsenal at Philadelphia, five hundred and seventy-two dollars and sixty-four cents.

XXVII. For the payment of militia expenses heretofore incurred, Militia expenses. including balances due certain brigade inspectors, as appears on the books of the treasury department ; and the salaries of the brigade inspectors, fifteen thousand dollars ; and hereafter the state treasurer shall keep a separate account of the military fund for each brigade ; and no part of the military fund of one brigade received in any year, shall be applied to the payment of the expenses of any other brigade, until all the expenses of the proper brigade, including the salary of the brigade inspector, shall be first fully paid and discharged.

XXVIII. For the payment to Mary Hamilton and Henry Becket, Mary Hamilton five thousand dollars, as compensation for the use of, and title to a cer- and Henry Beck-tain lot of ground on which the collector's office in Philadelphia, is et. erected, pursuant to the terms of the act of assembly, passed February third, one thousand eight hundred and forty-six, entitled "An Act to direct the auditor general to settle the account of the mortgagee of Samuel Webb.

XXIX. For the payment of the expenses of the commissioners under Expenses of com-the act of thirteenth of April, one thousand eight hundred and forty- missioners, for three, for the sale of the Delaware division of the Pennsylvania canal, sale of Delaware division. the sum of two hundred dollars.

XXX. For payment of the interest on the loans for the eastern peni- Interest on loans tentiary, per act of the twenty-eighth of March, one thousand eight of eastern peni-hundred and thirty-one, and ninth of April, one thousand eight hundred tentiary. and thirty-three, falling due on the first days of July and January next, six thousand dollars.

XXXI. For the payment of William A. Lloyd, two hundred and W. A. Lloyd, forty-eight dollars and seventy-eight cents, money recovered of him at expenses for ad-the suit of William Fry, publisher of the National Gazette, and of Met- vertising sale of calf and company, publishers of the Morning Star, for advertising sales Nicholson lands. of Nicholson lands, under the provisions of the third section of an act passed the eleventh day of April, eighteen hundred and twenty-five, relative to a sale of the lands of John Nicholson and Peter Baynton.

XXXII. For the payment of Jeremiah Hughes, for duplicate vol- Jeremiah Hughes. umes, from fifty-one to sixty-eight, inclusive, of Niles' National Regis- for Nile's Regis-ter, one hundred and eighty-dollars, to be paid on the warrant of the ter. auditor general, in case he shall be satisfied that said volumes have not been paid for.

XXXIII. For the payment of retained per centage due to Dickson, Dickson, Kirk Kirk and Smith, as contractors on sections numbers forty-one and forty- & Smith, retain-four, and lock number twenty-three, on the Erie extension of the Penn- ed per centage.

sylvania canal, as appears upon the books of the auditor general, two hundred and twenty-four dollars and sixty cents.

Jonas Newhardt. XXXIV. To Jonas Newhardt, for his services in coming to Harrisburg to pay into the state treasury, at the instance of the auditor general, the amount due the commonwealth from the escheated estate of Jacob Walters, deceased, the sum of twenty dollars.

Geo. D. Foreman, contractor. XXXV. For the payment of George D. Foreman, for work done and materials furnished in building dams, numbers four and five, on the Erie extension, and for repairing the towing-path of the Beaver division, of the Pennsylvania canal, two thousand three hundred and fifty-four dollars and fifty-nine cents, agreeably to an award made in his favor by the canal commissioners, under the provisions of an act passed the twenty-seventh day of April, eighteen hundred and forty-five, entitled "An Act to authorize the canal commissioners to examine the claim of George D. Foreman."

Executors of W. Power, deceased, agent of Nicholson & Baynton estate. XXXVI. For the payment to the executors of William Power, deceased, five hundred dollars, agreeably to an award made in their favor by the secretary of the commonwealth, auditor general and surveyor general, in pursuance of the twenty-fifth section of an act, entitled "An Act to authorize the president judge of the district court of Allegheny, to hold special courts in Fayette county, in certain cases, and for other purposes," dated April the sixteenth, eighteen hundred and thirty-eight, and of the acts supplementary thereto.

John Emery & sons, contractors. XXXVII. For the payment to John Emery and sons, three hundred dollars, awarded by the canal board, September the sixteenth, eighteen hundred and forty-three, by virtue of the act of seventh June, eighteen hundred and forty-one; and for the payment to Emory, Boothe, Riddle and Emory, fifty dollars for re-building the towing-path bridge at New Castle, according to the order of the said board, dated thirteenth February, eighteen hundred and forty-three; and to pay John Greer for fencing on the Shenango line, according to the award of the canal board, made the twenty-eighth October, eighteen hundred and forty-five, seventy-nine dollars and sixty-eight cents.

How expenses of removing prisoners are to be paid. SECTION 2. So much of any law of this commonwealth, as authorizes the payment out of the state treasury, of the expenses of removing any person charged with having committed an offence in one county, into another county, for safe custody; or of transporting any person charged with having committed an offence in any of the counties of this commonwealth, from another state into this state, for trial, or for conveying any person after conviction, to the penitentiary, be and the same is hereby repealed; and hereafter, all such expenses shall be paid out of the treasury of the county in which the offence is charged to have been committed.

Objects of appropriations. SECTION 3. In case any appropriation made by this act, for any object, shall be more than sufficient therefor, the same shall not be applied to any other object, but shall remain in the treasury, subject to future legislation.

Relative to issuing certificates of state stock, in lieu of certificates for interest. SECTION 4. That the thirty-eighth division of the first section of the act, entitled "An Act to provide for the ordinary expenses of the government, repair of the canals and railroads of the state, and other claims upon the commonwealth," passed the sixteenth day of April, one thousand eight hundred and forty-five, which has expired by its own limitation, be and the same is hereby revived, and declared to be in full force and effect, and shall be so regarded, until all the certificates described in said division, shall be delivered up, and funded in the manner provided for in said division.

SECTION 5. That so much of the act passed the twenty-fourth June, Repeal of certain one thousand eight hundred and forty-two, entitled "Resolutions to resolutions. prevent a further subscription by the banks to the loan authorized by the act of the fourth of May, eighteen hundred and forty-one; and to provide for the redemption in gold and silver coin, of the relief notes, as provides for the payment of five per cent. interest, in addition to the one per cent. allowed to be paid under the said act of the fourth of May, eighteen hundred and forty-one," be and the same is hereby repealed.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The twentieth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

# No. 341.

## A N A C T

Fixing the construction of certain acts of assembly in relation to the rights of private property.

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 fourth section of the seventh article of the constitution of Pennsylvania, which directs that the legislature shall not invest any corporate body, or individual, with the privilege of taking private property for public uses, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken, shall be deemed to apply to all acts of assembly passed, or that may be passed, during the present session of the legislature, as fully and effectually, as if the same were incorporated in said act.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The twentieth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.