

No. 345.

SUPPLEMENT

To an act to authorize the governor to incorporate a company to make a lock navigation on the Youghiogheny river, approved April thirtieth, one thousand eight hundred and forty-four.

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 times fixed by the act to which this is a supplement, for the commencement and completion of the navigation, authorized by "An Act to authorize the governor to incorporate a company to make a lock navigation on the Youghiogheny river," approved April eighteenth, one thousand eight hundred and forty-three, be and the same are hereby extended for another period of two and five years, respectively.

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. 346.

A SUPPLEMENT

To the law relating to defaulting public officers.

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 in all suits brought by the commonwealth, or which may hereafter be brought against any defaulting officer, or his sureties, in pursuance of the act passed the sixteenth day of April, one thousand eight hundred and forty-five, entitled "An Act to increase the revenue, and diminish the legislative expenses of the commonwealth," it is hereby declared, that the auditor general and state treasurer have full power to examine all such cases; and if, upon full examination, said officers shall be satisfied that there is nothing due the commonwealth, in any such case, then said officers may discontinue the suit or suits in such case; and the examination by said officers shall be carefully made, at any time, on the

Auditor general
and state treasurer
in certain cases to
discontinue suits.

request of any person sued as aforesaid; and in case of the discontinuance of any such suit, a statement of the evidence which authorized such discontinuance, shall be filed in the office of said auditor general.

Declarations to be filed.

SECTION 2. That in all of said suits, heretofore brought under the provisions of this act, it shall be the duty of the auditor general and state treasurer, to cause declarations to be filed, within ten days after the passage of this act; and unless an affidavit of defence is filed on or before the first day of August next, and plea pleaded, the prothonotary of the proper county shall issue judgment, or put the same to issue, as the case may be.

Court of common pleas of Dauphin county to hold an adjourned court for the trial of such causes.

SECTION 3. That it shall be the duty of the judges of the court of common pleas of Dauphin county, to hold an adjourned court, at some convenient time, before the fourth Monday of November next, for the trial of all said causes, pending in said court, and put to issue, as directed by this act, and shall continue from day to day, until the whole of said causes are tried or ended; and in all the other counties, where said suits have been brought, and shall be put to issue, as directed in the second section of this act, the same shall be tried at the next court of common pleas, in each county, succeeding the said first day of August next, and shall have the preference over all other causes, until the same shall be tried or ended.

When causes are to be tried in other counties.

Declarations to be filed with *præcipe* and judgments to be entered, unless an affidavit of defence is filed.

SECTION 4. That in all suits hereafter brought in any court, under the provisions of this act, or the act to which this is supplementary, the attorney, officiating for the commonwealth, shall file a declaration along with the *præcipe*, and judgments shall be entered therein, and the sums be liquidated by the respective prothonotaries, as aforesaid, immediately after thirty days from the return of the writ, in each case, unless, before that time, the defendants shall have filed an affidavit of defence, and shall have put the cause to issue, as is directed in the second section of this act, in suits heretofore brought; and all causes so put to issue, shall be put down for trial at the next succeeding court of common pleas, in each county, and shall, until the same are tried or ended, be placed on the trial list, and have the preference over all other causes.

Such causes to have a preference on trial list.

Accounts of county treasurers made evidence.

SECTION 5. That all accounts of county treasurers, or duly certified copies thereof, heretofore or hereafter settled or stated by the auditor general, shall be received in evidence in all suits brought, or that may be brought by authority of any law, against any such treasurers or their sureties, and the same shall be considered as good and valid, as if the same had been duly settled by the county auditors.

All official bonds made valid.

SECTION 6. That all official bonds hereafter given by any clerk of either branch of the legislature, or by any county treasurer, or by any brigade inspector, or by any officer on the public works, shall not be deemed invalid, on the ground, that the same may not have been approved by the proper officer or officers, as directed by law; but the same are hereby declared to be as good and valid in law, against said public officers and their sureties, as if said bonds had been executed and approved in due form of law; and no mistake in the bond of any collector or other public officer, as to the name of the officer described in the instrument intended for his official bond, shall in anywise invalidate such bond, but the same shall be considered to apply to the officer, whose office was intended to be described in such bond.

Suits to be commenced against all public defaulters.

SECTION 7. That in all cases of defaulters to the commonwealth, wherein suits have not yet been commenced, the auditor general and state treasurer are hereby required to commence the same forthwith, and to prosecute the same without delay, to final judgment and execu-

tion, according to the provisions of this act, and the act to which it is a supplement.

SECTION 8. That in addition to the general powers of the auditor general, over accounts confined by existing laws, it shall be the duty of said officer, from time to time, to re-settle and correct all accounts of public officers, where it may appear from such accounts in his office, or from other information in his power, that errors exist in any of said accounts, prejudicial to the interests of the commonwealth; but in no case shall the amount of the balance of any such account be reduced, except in the cases, and within the time heretofore authorized by law for re-examining accounts: *Provided*, That this section shall not be construed to apply to accounts settled and examined prior to the first day of January, eighteen hundred and forty.

Auditor general authorized to re-settle accounts of public officers.

Proviso.

SECTION 9. That in all suits brought, or which may be brought by the commonwealth, under authority of law, against any defaulting officer or his sureties, interest shall be allowed and computed in favor of the commonwealth, from the time the public money sued for came to the hands, or should have been in the hands of such officers.

Computation of interest.

SECTION 10. That during the last term of the court of common pleas in each county, preceding the first day of January, in each year, the judges thereof shall appoint one competent person as auditor, who, after being sworn or affirmed to perform the duties of his office with fidelity and correctness, shall, immediately after the first of January succeeding his appointment, proceed to examine the accounts and dockets of the prothonotary, register and recorder, and clerks of the several courts of the county for which his appointment was made, and generally shall perform, with as much despatch as possible, all the duties heretofore imposed by law on the county auditors, respecting the fees of said officers and the tax on judicial proceedings; and shall further ascertain the whole amount of fees charged, as well as the whole amount of fees received by each of said officers during the preceding year, and make return thereof in his account to the auditor general; and the person appointed shall, as soon as his duties are performed, receive for his services, out of the proper county treasury, one dollar and fifty cents for each day necessarily spent in the performance of his duties, to be settled by the commissioners of the county, and paid on their warrant; and it shall be the duty of the auditor general to see that the provisions of this section, and the act to which it is a supplement, are carried into effect, and to fill all vacancies which may occur in the office of said auditor; and if he shall find it expedient, he may appoint one additional auditor for the county of Allegheny, and one for the city and county of Philadelphia, whose services, not exceeding the one-half of the whole of the expenses of auditing the accounts of said officers, in each of said counties, at the per diem rate hereinbefore fixed, shall be paid on his warrant, out of the state treasury; and the duties imposed on the county auditors by said act, to which this is a supplement, shall be performed in those counties in which said duties have not yet been performed by the auditor or auditors, in the respective counties, first appointed under the provisions of this section.

Courts to appoint an auditor to settle annually accounts of public officers in each county.

Duty of auditor general.

Additional auditors may be appointed.

SECTION 11. That it shall be lawful for the state treasurer, during one year hereafter, to receive at par, duly transferred, certificates of state stock and of state indebtedness, in payment of all debts due the commonwealth, before the first day of February last, from defaulting public officers, in all such cases as it shall be necessary to enforce payment thereof against the sureties of any such defaulting public officer,

State treasurer to receive state stock in payment of debts.

and in which said treasurer and the auditor general, shall be satisfied that such defaulting officer is insolvent, or of doubtful solvency.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

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

FRS. R SHUNK.

No. 347.

A SUPPLEMENT

To the act, entitled “An Act relating to roads, highways and bridges.”

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 powers of the courts of quarter sessions of this commonwealth, to vacate public and private roads, are hereby extended to all roads, whether laid out by authority of law, or existing by prescription or lapse of time; and generally to all roads, except private roads, resting upon express grant, the evidence of which is still in existence, excepting in such counties, as the power to lay out and vacate public roads is, or may be, vested in some other tribunal, than in the court of quarter sessions of the peace; excepting, also, roads laid out by act of assembly, and are expressly exempted from the jurisdiction of said courts.

Powers of courts
in regard to roads
extended.

SECTION 2. That the president and managers of the Codorus navigation company, are hereby authorized to extend their canal and slack-water navigation, from Karnes' island, in the river Susquehanna, to such point on said river, in York county, as may be deemed useful, and connect the same at, or near the mouth of the Codorus creek, with the works which they have already constructed, with power to erect and maintain such dams, locks, aqueducts and waste-wiers, as may be necessary, paying all damages to private property, and not obstructing the navigation of the main channel of said river; and the like privileges, rights and immunities, as are granted to the Codorus navigation company, by the eleventh, thirteenth and nineteenth sections of their charter, are hereby extended to the canal and slackwater navigation, authorized by this supplement, and the exclusive use of all water power and navigation, which shall be created thereby, with full authority to mortgage, sell, grant and transfer all the hereby granted rights and privileges, for the construction, maintenance, improvement or repair of the said canal or slackwater navigation, or otherwise; and vesting in the grantee, his, their heirs or assigns, all the rights, privileges and immunities hereby given, to the president and managers of said company.

Codorus naviga-
tion company au-
thorized to extend
their works.