

SECTION 10. In case this road shall at any time be purchased by the commonwealth, the cost of said road shall be taken to have been five hundred thousand dollars, together with the sums that may be expended under this act in completing the said road and works, with eight per cent. interest upon the same; the sum spent in completing the road, with interest, to be first paid in full: *Provided*, That no interest shall be allowed upon the said five hundred thousand dollars, prior to the passage of this act. Cost of constructing said road if purchased by the commonwealth.

SECTION 11. The legislature reserves the right to revoke, alter or amend the charter hereby granted at any time hereafter, should said company violate, abuse or misuse the privileges hereby granted. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 342.

A SUPPLEMENT

To an act, entitled "An Act to prevent waste in certain cases within this commonwealth," passed the twenty-ninth day of March, one thousand eight hundred and twenty-two; to land and building associations; giving the court of Susquehanna county jurisdiction in a certain case; relative to the service of process in certain cases; to party walls in West Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the release of certain sureties in Erie county; to the State Lunatic hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies.

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 a writ of estrepement to stay waste may be issued agreeably to the provisions of the act to which this is a supplement, in all cases after judgment obtained on a scire facias or mortgage, or after proceedings instituted to collect a debt secured by mortgage, upon the proper affidavit being made as required by said act: the court out of which said writs shall issue, shall have full power and authority to dissolve, modify or restrict said writs, and to make such order in the premises as to them seem equitable, and to enforce such orders by attachment if necessary: *Provided*, That no mortgagor shall be hereby restrained from the reasonable and necessary use and enjoyment of the land and premises in his, her or their possession; and that the court shall have power to inquire Writs of estrepement to stay waste, when they may issue, &c.

Proviso.

into and determine the nature and extent of such use and enjoyment, upon any motion to dissolve said writ.

Further proceed-
ings to stay
waste in certain
cases.

SECTION 2. That from and after the passage of this act it shall and may be lawful for any creditor of any decedent, who has heretofore died seized or possessed of any real estate in this commonwealth, or who may hereafter die so seized or possessed, to apply to the court of common pleas of the proper county, while in session, or to any judge thereof in vacation, by petition and affidavit made by such creditor, or the agent of such creditor, setting forth that such decedent was at the time of his decease, indebted to such creditor, and also, setting forth the amount and character of such indebtedness, and that the personal estate of such decedent is not sufficient to pay his just debts, and that the tenant or person in possession of such decedent's real estate has committed waste to the freehold, or allows it to be done by others, and that in consequence of such waste the claims of his or her creditors will be endangered, and their collection defeated in whole or in part; and thereupon said court or judge, as the case may be, shall order the prothonotary of said court to issue a writ of estrepement to stay waste, which writ shall have the same effect as if issued after action of ejectment brought in cases where such action is the proper remedy: *Provided*, That the court from which said estrepement issues, shall have power to dissolve the same upon receiving from the person or persons in possession of such real estate, security to indemnify the creditors of said decedent against any damages or loss which may be occasioned by the commission of waste on said decedent's premises as aforesaid, or on such other terms and conditions as the court may consider equitable and just.

Tenants in pos-
session after ser-
vice of writ, not
to remove or cut
down timber,
&c.

SECTION 3. It shall not be lawful for any tenant or other person in possession of any lands within this commonwealth, after the service of a writ of estrepement to prevent waste on the lands of which he or she is possessed, to remove therefrom any timber trees, although cut down before the issuing of said writ; and all timber removed from said lands after the service of such writ, may be replevied by the party on whose behalf it issued, who shall be entitled to recover and hold the same: *Provided*, The removal thereof shall prove to be injurious to him or her, either as owner of the premises or as a creditor of the owner, or otherwise.

Mutual savings
fund, land or
building associa-
tions, for the for-
mation of, in the
city and county
of Philadelphia,
and the counties
of Schuylkill
and Berks.

SECTION 4. That when any number of persons, citizens of the city and county of Philadelphia, and the counties of Schuylkill and Berks, are associated or mean to associate for the purpose of forming mutual savings funds, land and building associations, they shall make application to the court of common pleas of the proper county, in which said corporation or body politic in law is intended to be situated, in the same manner and at such times as are prescribed by the thirteenth section of any act passed the thirteenth day of October, in the year of our Lord, one thousand eight hundred and forty, entitled "An Act relating to orphans' courts, and for other purposes," and upon compliance with the provisions of said section of said act, the said court shall be and hereby is fully empowered to grant acts or charters of incorporation to said associations; and the thirteenth, fourteenth and fifteenth sections of the aforesaid act of assembly are hereby extended to and made a part of this act with regard to said association, corporations or bodies politic in law: *Provided*, That no charter granted under or by virtue of the provisions of this act, shall be for a longer period than ten years.

Constitution.
Parents may
sign such consti-

SECTION 5. That the members of associations may adopt such constitution or articles of association as to them may seem most beneficial; and that parents may sign such constitutions or articles of association,

for and on behalf of their minor children; and such parents may hold the shares subscribed for, or the certificates of stock or stocks, or other indicia of ownership or interest in such associations, corporations or bodies politic in law, or in the common fund or property, and act in such associations, corporations or bodies politic in law, for those whom they represent; but the investments and the benefits, profits and increase thereof shall inure to the parties represented.

SECTION 6. That the number of shares in any of the mutual savings fund associations which may be incorporated under the provisions of this act, shall not exceed five hundred; nor the value of each share, two hundred dollars; nor any instalment or periodical payment of money on any one share, the sum of two dollars.

Number of shares not to exceed 500.

SECTION 7. That in investing the fund or funds of said mutual savings fund associations, corporations or bodies politic in law, preference shall be given to the members thereof, in such manner, and under such conditions and regulations, as they may have agreed upon, or may mutually agree upon.

In the investing of the funds of said associations, preference to be given, &c.

SECTION 8. That if any officer of, or any member or person connected in any capacity with such associations, corporations or bodies politic in law, shall embezzle or convert to his own use any money or property belonging to said associations, corporations or bodies politic in law, every such officer, member or person, and every other person or persons aiding and abetting, or being in any way accessory to such embezzlement or converting, shall, upon conviction thereof in any court of competent jurisdiction within this commonwealth, be adjudged guilty of a misdemeanor, and shall be sentenced to pay a fine equal to double the amount of money and double the value of property embezzled or converted as aforesaid, and also to undergo an imprisonment in the county prison for a term not exceeding two years, at the discretion of court before whom he or they were tried.

Embezzlement, how punished.

SECTION 9. That the court of common pleas of Susquehanna county shall have jurisdiction of an application for a divorce, on the petition of William F. Rhodes, in the usual form, praying for a divorce from his wife Susan, notwithstanding the cause of divorce which may be alleged in said petition occurred in the state of New York.

Jurisdiction in the application of Wm. F. Rhodes, for a divorce, given to the court of common pleas of Susquehanna county.

SECTION 10. That the owner or owners of property and other person or persons residing or being on and near Hickory run, in Carbon county, who claim to be injured by the breach of a dam or dams imperfectly constructed on the upper part of said stream, whereby a great and unusual flood passed down the said stream, to the injury of the persons and real and personal estate of those dwelling on and near the lower portion of the said stream, shall have the right to institute their action or actions for such alleged injury in the county where the injury was committed, and cause the process or processes to be served upon the person or persons alleged to be responsible for such injuries, wherever found by the sheriff of said county.

Proceedings for damages done to persons by the flood on Hickory run, Carbon county.

SECTION 11. That the provisions of the second section of the act, entitled "An Act supplementary to an act, entitled 'An Act to incorporate the borough of West Philadelphia,' approved the seventeenth day of February, A. D. one thousand eight hundred and forty-four; and relative to party walls; and to authorize the Kensington gas company to increase their capital," approved the fifth day of April, A. D. one thousand eight hundred and forty-nine, shall not be construed to apply to lots on which frame houses are now erected, or may be erected previous to the application to lay such party walls, or to allow any person to enter upon the side of lots reserved as alley ways, on which lots houses have been erected.

West Philadelphia, relative to party walls in.

Register of wills in Bedford county, authorized to admit to probate, &c., the will of Philip Crow, deceased.

SECTION 12. That the register of wills in and for the county of Bedford, be and he is hereby fully authorized and directed to admit to probate and record the last will and testament of Philip Crow, late of Southampton township, in said county, now deceased, bearing date the fifth day of May, A. D., one thousand eight hundred and seventeen, and proved before the register of said county on the twenty-sixth day of August, A. D., one thousand eight hundred and forty-four, by the oath of John Boor, one of the subscribing witnesses thereto; and the said will so proved and recorded, shall have as full force and virtue as if the same had been established by the oaths of both subscribing witnesses, and proved in other respects as is required by existing laws of this commonwealth: *Provided*, That this act shall in no way affect the validity of judgments or priority of liens against said Philip Crow, now deceased, or against any of the legatees in said will named, entered since his death.

Isaiah P. Fittler and Joseph P. Loughead, made trustees of the heirs and descendants of Dr. Joseph Pfeiffer, deceased.

SECTION 13. That Isaiah P. Fittler and Joseph P. Loughead of Philadelphia county, are hereby made trustees for the heirs and descendants of Dr. Joseph Pfeiffer, deceased, for the purposes hereinafter named, to wit: to sell a certain lot or piece of ground at public or private sale, and make a good and sufficient deed and title for the same; the said lot being situate in Delaware Fourth street, in the district of the Northern Liberties, and county of Philadelphia, on the east side of the said Fourth street above Poplar, which said lot is the same which the said Dr. Joseph Pfeiffer, by his will dated the twenty-second day of December, A. D., one thousand eight hundred and three, left to his said heirs and descendants as a place of burial or interment.

Powers.

Purchase lot for family sepulchre, &c.

SECTION 14. *And be it further enacted*, That the said Isaiah P. Fittler and Joseph P. Loughead are hereby empowered and enjoined to use the proceeds of the sale of said lot in the purchase of a lot suitable for family sepulchre in some cemetery in the near neighborhood of the city of Philadelphia, which said last mentioned lot shall be substituted for and used in place of the said first mentioned lot hereby authorized to be sold; and all rights and privileges which any person now has in the said first mentioned lot, shall be transferred and vested in the said last mentioned lot to be purchased as aforesaid, by the said Isaiah P. Fittler and Joseph P. Loughead; and the said Isaiah P. Fittler and Joseph P. Loughead are hereby authorized and empowered to do every thing needful for the accomplishment and fulfilment of this trust: *Provided*, That before the said Isaiah P. Fittler and Joseph P. Loughead enter upon the said trust, that they the said Isaiah P. Fittler and Joseph P. Loughead, each give a separate bond in the sum of five hundred dollars, with sufficient surety, to be approved by the court of common pleas of Philadelphia county, for the faithful performance of the said trust; which said bond shall be filed with the prothonotary of the court of common pleas of said county: *And further provided*, That in case of any vacancy in said trust by reason of the death or refusal to accept the said trust, by the said Isaiah P. Fittler and Joseph P. Loughead, or either of them, the said court of common pleas of Philadelphia county shall have power to fill such vacancy or vacancies by the appointment of a competent person or persons who shall carry out the purposes hereinbefore set forth: *And further provided*, That the said Isaiah P. Fittler and Joseph P. Loughead shall not receive more than five per cent. each, on the amount of the sale of the said lot, for their services in performing the purposes of the trust aforesaid.

Further powers.

Commissioners of Moyamensing to introduce gas into said district, &c.

SECTION 15. That the board of commissioners of the district of Moyamensing, shall have full power and authority in pursuance of any contract now or hereafter to be entered into with the mayor, aldermen

and citizens of Philadelphia, or with any gas company now or hereafter to be incorporated within the limits of the city or county of Philadelphia, to introduce gas into the said district of Moyamensing, and the several streets, roads, courts, lanes and alleys thereof, for the better lighting and watching of said district, and for the purpose of supplying gas for private consumption to the inhabitants thereof, and to enact all needful and necessary ordinances for accomplishing these purposes, and fixing, regulating and collecting the rates of gas supplied by the authority of said board to private consumers.

SECTION 16. The property fronting on any such street, road, court, lane or alley shall be taxed and liable for all the expenses that may be incurred for laying the gas pipes, in proportion to its extent in front; and also shall be subject thereafter to all such taxes or assessments that may be laid from time to time, for keeping up the necessary supply of gas, and the expenses attendant thereon; and in making such assessments, the same allowance or deduction shall be made for corner lots, which are now made in assessing the expenses in conduit in said district; and all such assessments shall be a lien against such property as may be so assessed, and charged therewith, until paid, and shall be collected in the manner now prescribed by law for collecting debts of a similar character, due to the said district for work done and materials furnished by them.

Property fronting on such streets, roads, &c., liable for expenses incurred for laying the gas pipes.

SECTION 17. That Smith Jackson, Thomas H. Sill and Giles Sanford be and they hereby are discharged from all accountability to the commonwealth for and by reason of the bonds executed by them jointly and severally, as security for George Moore, treasurer of the county of Erie, for the years one thousand eight hundred and thirty-two, one thousand eight hundred and thirty-three, and one thousand eight hundred and thirty-four.

Sureties of George Moore, treasurer of Erie county, discharged from accountability.

SECTION 18. That the commissioners of the State Lunatic hospital be and they are hereby authorized and empowered to enter in and upon any lands or grounds situate and lying between the line of the borough of Harrisburg and the State Lunatic hospital, to dig ditches, and lay pipe for the introduction of gas light from the Harrisburg gas works to said hospital, if, in their opinion, it be deemed expedient; doing as little injury to private property as the nature of the case will admit, and making compensation for any damages which may accrue thereon, if any.

Commissioners of the State Lunatic hospital authorized to enter upon lands, &c., for the purpose of introducing gas light in said hospital.

SECTION 19. That in all suits which may hereafter be instituted in any court of this commonwealth, in which the sheriff of any county may be a party, when there is no coroner in commission to serve process, it shall be lawful for any constable in the county where the process has been issued, to serve the same, and perform the duties in relation thereto which coroners are authorized to do under the laws of this commonwealth.

Additional powers granted to constables.

SECTION 20. That the true intent and meaning of the act of assembly to secure the rights of married women, passed the eleventh day of April, A. D. one thousand eight hundred and forty-eight, is and hereafter shall be that the real estate of any married woman in this commonwealth shall not be subject to execution for any debt against her husband, on account of any interest he may have, or may have had, therein, as tenant by the courtesy; but the same shall be exempt from levy and sale for such debt, during the life of the said wife.

Real estate of married women not to be subject to execution for debts against their husbands.

SECTION 21. That from and after the passage of this act, whenever a deed or other instrument of writing conveying real estate shall be made, wherein shall be contained a reservation of ground rent to become perpetual upon the failure of the purchaser to comply with the conditions

Ground rent, when and how it may be discharged.

therein contained, no such covenant or condition shall be so construed as to make the said ground rent a perpetual incumbrance upon the said real estate; but it shall and may be lawful for the purchaser thereof, at any time after the said ground rent shall have fallen due, to pay the full amount of the same, and such payment shall be a complete discharge of such real estate from the incumbrance aforesaid.

Foreign insurance companies, construction of certain act relative to.

SECTION 22. That the fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections of an act to authorize Amanda M. Richmond, of M'Kean county, the trustees of the church of God in Fredericksburg, Lebanon county, and Thomas Heyl, Jr., guardian, to sell certain real estate; empowering William H. Holstein, guardian, to draw and appropriate certain moneys; in relation to insurance companies, and the agencies of insurance companies not chartered by this state; and to liens in Lycoming and Clinton counties, shall be construed to apply only to agencies of foreign insurance companies or associations, except so much of the seventh section as refers to the service of legal process on agents of insurance companies incorporated by this commonwealth; and every person offending against the provisions of the said sections of the act aforesaid, shall forfeit and pay the sum of five hundred dollars for every such offence, for the use of the commonwealth; and it shall be the duty of the treasurer of the proper county to prosecute to conviction any person so offending.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 343.

A N A C T

To authorize the minister, church wardens and vestrymen of the Episcopal church of Saint Paul's, in the city of Philadelphia, to sell and convey certain real estate.

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 minister, church wardens and vestrymen of the Episcopal church of Saint Paul's, in the city of Philadelphia, be and they are hereby authorized and empowered to sell by public or private sale, and convey by deed or deeds, in fee simple, to the purchaser or purchasers, a certain brick house and lot of ground on which the same is erected, with the appurtenances thereunto belonging, situate on the south side of Pear