

interested in such estates, without requiring the said minors to appear in court to make choice of such guardians.

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

V. BEST,
Speaker of the Senate.

We do certify that the bill, entitled "An Act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth," was presented to the governor on the twelfth day of April, one thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAML. W. PEARSON,
Clerk of the Senate.

HARRISBURG, April 25, 1850.

No. 348.

AN ACT

To incorporate the Wyoming County mutual insurance company; relating to Liberty street, in the city of Philadelphia; giving jurisdiction to the court of common pleas in Tioga county, in a certain divorce case; and relating to paving in front of the prison in the county of Philadelphia.

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 Nicholas Overfield, Bradley Wakeman, Paul B. Jennings, Asa S. Dana, Sherman D. Phelps, Asa Keeler, Henry Roberts, S. H. Taylor, Milton Dana, Jabez Jenkins, John Fassett, R. R. Little, Andrew Gordonier, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name,

- Style.** style and title of "The Wyoming County mutual insurance company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what kind soever, and choses in action, and the same to sell and dispose of from time to time: *Provided*, No policy shall be issued by said company until applications for insurance shall amount to fifty thousand dollars; and also make and have one common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter, or the laws of the United States, or of this commonwealth, generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being of said corporation, and the due management and well ordering of the affairs thereof.
- Privileges.**
- Object.** **SECTION 2.** The object and business of said corporation shall and is hereby prescribed to be the insurance of their respective dwelling houses, stores, barns, shops and other buildings, household furniture, goods and chattels, and other property against loss or damage occasioned through any unavoidable accident by fire.
- Continuation of membership.** **SECTION 3.** All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators or assigns, continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer.
- Management of affairs.** **SECTION 4.** The affairs of the said corporation shall be managed by a board of directors consisting of thirteen members, to be elected and chosen as hereinafter provided, which board shall appoint from their own number one person as president; they shall also appoint one person as secretary of the board, and one person as treasurer, of whom they shall require such securities as may be required for in the by-laws; and shall have authority to appoint other officers, and employ such clerks, agents and attorneys as may be found necessary for the transaction of the business of said institution; and shall also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance; a majority of said board shall constitute a quorum to do business.
- Officers.** **SECTION 5.** The members of this company shall upon twenty days' notice, meet at such place as may be provided for in the by-laws, on the first Monday in May, in the year of our Lord, one thousand eight hundred and fifty, and hold their first election of directors; and such election shall be held under the inspection of three members, to be chosen by the members who may attend at the time and place of holding such election; such election of directors shall be by ballot, and a majority of the votes polled shall elect; and the directors so elected shall continue in office until the first Monday in May, one thousand eight hundred and fifty-one, or until others are elected, on which day, and annually thereafter, an election shall be held for directors as is provided in the first part of this section; and each member shall be allowed one vote and no more.
- First election of directors.** **SECTION 6.** If it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.
- Failure of election not to dissolve said corporation.**

SECTION 7. Every person who shall become a member of this corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the directors; a part not exceeding ten per cent. of said note shall be immediately paid in, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental charges as shall be necessary for transacting the business of said corporation; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof.

Persons becoming members of corporation required to give their promissory notes, &c.

SECTION 8. Every member of said corporation shall be bound to pay for losses or damage, and such necessary expense aforesaid accruing in said corporation, in proportion to the amount of his or her deposit note.

Pay for proportionable losses.

SECTION 9. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposit note, and any assignment thereon, or for any other cause relating to the business of said corporation; also, all suits may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment be withheld or refused more than three months after the company are duly notified of such losses; no member of the company not being in his individual capacity a party to the suit or suits, shall be incompetent as a witness on account of his being a member of the company.

Suits by said corporation.

SECTION 10. The directors shall, after ascertaining the amount of loss or damage by fire sustained by any of its members, settle and determine, in proportion to the deposit notes, the amount to be paid by any of its members as their respective shares of such loss or damage, and publish the same in such manner as may be prescribed by the by-laws, and the members shall pay the same to the treasurer of the company within thirty days after the publication of said notice; on neglect or refusal to pay the same, assessed upon him as a proportion of any loss as aforesaid, in such case said company may sue for and recover the whole amount of his or her deposit note or notes, with costs of suit; and the amount then collected shall remain in the treasury of said company, subject to the payment of such losses or expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected on demand.

Losses or damages by fire, how adjusted.

SECTION 11. At the annual meeting of the company as provided for in section fifth, the members shall pass all by-laws, rules and regulations necessary for the well government of the affairs of said corporation; it shall also be the duty of the secretary and treasurer at such annual meeting, to have all books and writings concerning the company at such place of meeting, and any member of the company shall be allowed to examine the same.

By-laws.

SECTION 12. Within thirty days after the annual meeting for the election of directors, it shall be the duty of the secretary of the corporation to cause to be made and published, in one or more newspapers published in the borough of Tunkhannock, a statement of the affairs of the corporation; the amount of premiums received; the amount of expenses and losses during the year in each respective class; the amount of risks in each class; the dividends paid; and a general balance statement of the affairs of the corporation.

Annual statement of affairs.

- Location of business.** SECTION 13. The operations and business of the said corporation shall be carried on and conducted at the borough of Tunkhannock, in the county of Wyoming.
- Board of directors.** SECTION 14. The hereinbefore named Nicholas Overfield, Bradley Wakeman, Paul B. Jennings, Asa S. Dana, Sherman D. Phelps, Asa Keeler, Henry Roberts, S. H. Taylor, Milton Dana, Jabez Jenkins, John Fassett, R. R. Little, Andrew Gordenier, shall constitute the board of directors of said institution until the first Monday of May, in the year of our Lord, one thousand eight hundred and fifty, or until others are elected in their stead.
- Cancellation of policies.** SECTION 15. That any member of this company wishing to withdraw his or her insurance from said company, shall surrender his or her policy to the directors, to be cancelled; and upon such surrender shall be entitled to secure his or her deposit note, on payment of his or her proportion of losses and expenses accrued prior to such surrender, and the payment of two per cent. on the balance of said note, for the use of the company.
- Reservation.** SECTION 16. This act shall take effect immediately after its passage; but the legislature of this commonwealth may at any time alter, modify or annul its provisions; in such manner, however, as to do no injustice to the corporators.
- Library street, Philadelphia, part of, vacated.** SECTION 17. That a portion of the south side of Library street, in the city of Philadelphia, shall be and the same is hereby declared to be vacated, so that the south line of the said street, commencing at the distance of one hundred feet eastward from the east side of Delaware Fifth street, may run direct and straight eastwardly one hundred and fifty-four feet, seven inches; thereby vacating nine feet of said Library street, by the said distance or front thereon of one hundred and fifty-four feet, seven inches: *Provided*, That before this act shall go into effect, the Mercantile Library company of Philadelphia shall and do assent to the said vacating, under the hand of the president and treasurer, and attested by the corporate seal of the said company, filed in the office of the clerk of the court of quarter sessions of Philadelphia.
- Court of common pleas of Tioga county authorized to entertain jurisdiction on the application of William Silk for a divorce.** SECTION 18. That the court of common pleas of the county of Tioga shall have and entertain jurisdiction of the petition and application of William Silk, for a divorce from the bonds of matrimony from his wife, Satina Silk, as fully as though the said William Silk had been a citizen of this commonwealth at the time said cause of action arose.
- Commissioners of Philadelphia county required to pay certain expenses for paving, &c., of the Passyunk road, to the commissioners of the district of Southwark.** SECTION 19. That the commissioners of the county of Philadelphia are hereby authorized and directed to pay to the commissioners and inhabitants of the district of Southwark, by warrant to be drawn on the county treasurer, one-half of whatever expense may be incurred by said district in paving and grading Passyunk road, in front of the real estate belonging to said county of Philadelphia, upon which the prison and debtors' apartment are erected; said payment not to be made until the said work shall have been done by the said commissioners and inhabitants of the district of Southwark.
- Tide Water canal, relative to.** SECTION 20. That the sum of fifteen per cent., designated in the act, entitled "A resolution to compel the Susquehanna and Tide Water canal company to receive their notes and certificates for tolls," approved the fourteenth day of April, one thousand eight hundred and forty-five, be and the same is hereby increased to the sum of twenty per cent.; and the canal commissioners are hereby directed and required to carry out this act, and said act hereinbefore referred to, of the fourteenth of April, one thousand eight hundred and forty-five; and are enjoined to require the out-let lock mentioned in said act of fourteenth April, one thousand eight hundred and forty-nine, to be kept closed as long as said company

shall not charge persons offering to pay their tolls in the money, notes or certificates of said company, the same amount, and no more than the rate of tolls charged to persons paying in funds par in the cities of Philadelphia or Baltimore.

SECTION 21. That the district court for the city and county of Philadelphia are hereby authorized to appoint a commissioner, in addition to the one authorized by the third section of an act, entitled "An Act relative to certain courts in the city and county of Philadelphia," approved the fourteenth day of April, A. D., one thousand eight hundred and forty six, with the same powers and authorities, and to receive the same compensation as is provided in and by the fourth section of said act; and the said commissioners shall have full power to administer oaths and affirmations to witnesses, certify affidavits, and take testimony to be read in evidence in any court of this commonwealth; and any one falsely swearing or affirming before either of said commissioners, shall be liable to the pains and penalties of perjury.

District court of the city and county of Philadelphia, authorized to appoint an additional commissioner to take depositions.

SECTION 22. That the provisions of the act of assembly, passed the thirty first day of March, one thousand eight hundred and twenty-three, entitled "An Act relating to mortgages," shall extend and be applicable to all cases of any legacy or legacies, for the payment of which any real estate within this commonwealth is or may be chargeable, and to all recognizances in the orphans' court of any county of this commonwealth, which are or may be liens upon any real estate within the same, in as full and particular a manner as if the several provisions of said act were here repealed at length.

Provisions of certain act to be extended to legacies, &c.

SECTION 23. That the proceedings for the discharge and satisfaction of the lien of any such legacy or legacies, or any such recognizance, shall be the same as those prescribed in the act referred to in the preceding section, in reference to the satisfaction of mortgages, except that with regard to the aforesaid recognizances, the proceedings shall be had in the orphans' court, upon whose records the said recognizances are found.

Further proceedings.

SECTION 24. That any release or other instrument of writing, being evidence of the payment or release of any legacy or recognizance charged upon lands or tenements within this state, that have been, or may hereafter be made out of this state, or within the same, and which shall have been duly acknowledged, or the execution thereof proved in the manner provided by the existing laws for the acknowledgment and proof of the execution of deeds or other instruments of writing, concerning any lands or tenements and hereditaments, in order to authorize the same to be recorded, may be recorded in the office for the recording of deeds in the county where such real estate may be situate, and copies or exemplifications of such releases or other instruments of writing, acknowledged or proved and recorded as aforesaid, being examined by the recorder, and certified under the seal of his office, which the said recorder is hereby required to do, shall be allowed in all courts where produced, or elsewhere, and are hereby declared to be as good evidence, and as valid and effectual in law, as the original instrument of writing would be, if duly proved, and the same may be made use of accordingly.

Releases or other instruments of writing acknowledged in or without the state, concerning lands, &c., may be recorded in the proper county.

SECTION 25. That hereafter the widow or children of any decedent dying within this commonwealth, if the said decedent shall have left a widow or children who were residing with him at the time of his death, and the estate be insufficient to pay his debts, exclusive of the amount of property which is now by law exempted from levy and sale upon an execution against a debtor, may retain either real or personal property belonging to said estate to the value of three hundred dollars; and

Widow or children of decedent may retain property to the amount of \$300.

the same shall not be sold, but suffered to remain for the use of the said widow and family; and it shall be the duty of the executor or administrator of such decedent, to have the said property appraised in the same manner provided in the act passed the ninth day of April, A. D., one thousand eight hundred and forty-nine, an act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent: *Provided*, That this section shall not affect or impair any liens for the purchase money of such real estate; and the said appraisement upon being signed and certified by the appraisers, and approved by the orphans' court, shall be filed among the records thereof.

Relative to testimony taken by the canal commissioners, &c., in the investigation of claims.

SECTION 26. That hereafter the canal commissioners, or any superintendent or other public officer employed on any of the lines of the public improvements of this commonwealth, to whom applications for damages shall be referred by the canal commissioners for examination, investigation, and report thereon to the said board, shall have power to take the testimony of witnesses, and administer oaths or affirmations to said witnesses; and if any witness shall wilfully swear falsely on such examination, he shall be deemed guilty of perjury, and shall be deemed liable on conviction thereof, to all the pains and penalties imposed by law on other persons guilty of the like offence.

Preamble.

WHEREAS, A number of suits have been brought against the surviving directors of the Northampton Bank, by note-holders and others, which have excited much prejudice in the county of Lehigh; therefore,

Actions in the court of common pleas of Lehigh county, relative to certain.

SECTION 27. That sixteen certain actions now pending in the court of common pleas of the county of Lehigh, against Henry Ebner, Peter Hoffman, and others, surviving directors of the Northampton Bank, to September term, one thousand eight hundred and forty-eight, numbers three and thirty-two, December term, one thousand eight hundred and forty-eight, number fourteen, January term, one thousand eight hundred and forty-nine, numbers ten and fourteen, and April term, one thousand eight hundred and forty-nine, numbers ten, eleven, twelve, thirty five, forty, forty-one, forty-eight, forty-nine, fifty-eight, fifty-nine and sixty be and the same are hereby removed and transferred to the court of common pleas of Bucks county, to be there tried at one of the regular terms of said courts, in the same manner as if they had been originally instituted in the last named court; and the record in said actions shall be certified by the said court of common pleas of Lehigh county, to the said court of common pleas of Bucks county, for trial aforesaid; and on final judgment such writs of execution shall be issued as may be necessary to carry the same into full effect: *Provided*, That the county of Bucks shall not be subjected to any costs or expenses in consequence of, or by reason of the transfer and removal of the above actions, but the same, or such part thereof as would otherwise fall on the said county of Bucks, shall be paid by the commissioners of Lehigh county; and that the said final judgments shall be subject to writs of error to the supreme court, as in other cases, and in case of reversal and new trials awarded, they shall be re-tried in Bucks county, in the same manner as is hereinbefore described; and it shall be lawful for the said court of common pleas of Bucks county, if deemed advisable, to fix and appoint any special or adjourned court or courts to try the said causes, and any other cause or causes removed from the said county of Lehigh to the said county of Bucks.

Shippen's lane, Moyamensing, Philadelphia coun'y, partly vacated.

SECTION 28. That so much of Shippen's lane as lies between the south side of Catharine street and the north side of Christian street, in the district of Moyamensing, in the county of Philadelphia, as is now laid out and opened, shall be and the same is hereby vacated and laid

aside forever ; and the title to the soil over which the said lane passes is hereby vested, in fee simple, in the several owners of lots fronting on said lane respectively ; each owner to take the part opposite his or her lot, by extending the lines of the said respective lots to the middle of the said lane so vacated.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 349.

A FURTHER SUPPLEMENT

To the act incorporating the Pennsylvania railroad company ; and relative to lateral railroads in Lykens valley, in Dauphin county.

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 viewers appointed for the purpose of assessing damages, in pursuance of the act of twenty-seventh of March, Anno Domini, one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Pennsylvania railroad company," be entitled to receive, as a compensation, two dollars per day while engaged on said business ; that one or more of said viewers shall have power to adjourn from day to day ; and that a majority of the said viewers so appointed shall have power to view and assess damages, and to report as fully, and with like effect, as though all were present : *And provided further,* That a penalty of ten dollars be imposed on any of the said viewers who shall neglect or refuse to attend, after appointment and due notice, at the time and place named, unless unavoidably prevented ; said penalty to be recoverable before any justice of the peace, as debts of similar amount are recoverable, for the use of the person suing for the same.

Viewers of damages on the Pennsylvania railroad, pay of.

SECTION 2. That hereafter the stockholders of the said Pennsylvania railroad company shall meet on the first Monday of February in every year ; and that so much of the fourth section of the act, entitled "An Act to incorporate the Pennsylvania railroad company," approved the thirteenth day of April, one thousand eight hundred and forty-six, as prescribes the first Monday of December as the day of the annual meeting, is hereby repealed.

Annual meeting of stockholders.

SECTION 3. That at each annual meeting of the stockholders of said company, the president and directors for the year preceding shall lay

Statement of affairs.