

[No. 173.]

AN ACT

To incorporate the Butler County Mutual Insurance company, and for other purposes.

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 Jacob Mechling, Maurice Bredin, William Beatty, Joshua Stoolflier, Samuel A. Gilmore, Clark M'Pherran, Henry Muntz, William Stewart, John L. Maxwell, Washington Parker, E. Maurhauff, Jacob Zeigler and Francis M'Bride, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be and are hereby constituted and declared to be a body politic and corporate, by the style and title of the Butler county mutual insurance company, and shall have, so far as they can be applicable to them, all the rights and privileges, and be subject to all the liabilities to them properly applicable, conferred and imposed by the act, entitled "An Act to incorporate the Independent Mutual Fire Insurance company of Bucks, Montgomery and Philadelphia counties," passed the tenth day of February, one thousand eight hundred and forty-three, and the thirteen persons named herein shall be the first board of managers to carry this act into effect; and this act shall continue in force for the term of twenty years, and no longer.

SECTION 2. The company hereby incorporated shall also have power to maintain suits at law against any of its members, for the collection of their deposite notes, or for any cause relating to the business of the corporation, or against any person for monies due the corporation, or for any injuries done to their corporate property, books, or papers, or for causing the destruction by fire of any property by them insured.

SECTION 3. No policy shall be insured by said corporation until application be made for insurance for fifty thousand dollars at least.

SECTION 4. No person insuring with said corporation shall be entitled to membership, except such as were originally insured for at least five hundred dollars, and deposited a note as provided in the act to incorporate the independent

mutual fire insurance company of Bucks, Montgomery and Philadelphia counties, referred to in the first section of this act. But this corporation may insure for smaller sums, and issue policies therefor on the payment of such a premium, to said corporation, according to the rates which shall be established and regulated by the by-laws of said company; and the persons so insured may maintain a suit or suits against the company for losses or damages by fire, in the same manner as suits may be maintained by members of the company as provided for in this act.

Insurance

SECTION 5. No insurance shall be made by this company for a longer period than five years at any one time, but policies may be renewed from time to time.

Business

SECTION 6. The business of this company shall be done and transacted at such place in the borough of Butler, and county of Butler, as shall be designated by a majority of the directors present at any regular meeting of the board; and this company may make insurance of property situate in the county of Butler, and the adjoining counties.

Parts of former laws repealed

SECTION 7. That the seventh section of the act, entitled "An Act to incorporate the trustees of the township of Huntingdon, in the county of Luzerne, and for other purposes," approved the seventh day of May, one thousand eight hundred and forty-one, and the fourteenth section of the act, entitled "An Act to authorize the governor to incorporate the Cherry Ridge and East Sterling turnpike road company, and for other purposes," approved the seventh day of May, one thousand eight hundred and forty-one, be and the same are hereby repealed.

Widows interest in real estate

SECTION 8. That in all cases in which the widow of an intestate now is or hereafter shall be entitled, under the intestate laws, to a share of, or interest in the real estate of her deceased husband, to which he was entitled at the time of his death, in common, or in coparcenary with any other person or persons, if the co-tenants of the estate shall fail to make or obtain partition among themselves, so as to set out in severally the portion appertaining to the intestate's estate, within one year after this act; and in all future cases within one year after the estate of the intestate shall come to the possession of his representatives, the several orphans' courts in this commonwealth shall have authority, on the application of the widow, to call before them all parties having interest in the premises, and to order an inquest to value the share or interest of the widow in the same, having reference to the intestate's purpart; and upon return of the said inquest and confirmation thereof, the said valuation and the interest thereof shall be and remain charged upon the premises, until parti-

Orphans' court

tion shall be made as aforesaid; and the legal interest shall be annually and regularly paid to the said widow, until such partition during her natural life by the person or persons holding such real estate, and may be recovered by distress or otherwise, in like manner as in the case of a widow's share or purpart, charged upon real estate upon a partition in the orphans' court. And when partition of the said estate shall be thereafter made so as to set out in severally the part or share appertaining to the said intestate's estate, the said orphans' court, on the application of the widow, or any person concerned, shall have authority by their decree, to charge the said valuation in such manner as they shall deem just and equitable, upon the part or parts of the premises allotted in severally, which appertained to the intestate's estate, and to discharge all other parts of the premises therefrom; and the said charge shall thereafter have the like force or effect upon the share of the estate which appertained to the intestate, and upon the holders thereof, and shall be payable and recoverable in like manner during the natural life of the widow, as if the said valuation had been charged upon the said real estate upon a partition in the orphans' court. And in all cases in which any partition among such co-tenants shall result in a sale, the share and interest of the said widow in the money arising from such sale, shall be entitled to the same protection as the share of intestate's widows is now entitled to by law.

Partition

SECTION 9. That the seventh section of an act passed the sixteenth day of July, eighteen hundred and forty-two, entitled "An Act concerning a certain trust estate of Hugh Roberts, deceased, and for other purposes," be and the same is hereby repealed.

SECTION 10. That when the owners of any railroad, constituted under an act of this commonwealth, possess the landing at the termination of the said railroad, where it joins any canal or other navigation, and any lateral railroad shall be constructed to connect with said railroad for the purpose of conveying any mineral or other productions to the said navigation, and the owners of the said landing shall refuse to permit the trade of the said lateral railroads to make use of the said landing, upon the payment of a suitable compensation, it shall be the duty of the court of common pleas of the proper county, upon application of the party aggrieved, to direct the sheriff to summon a jury of five disinterested men from the proper county, who being duly sworn or affirmed, shall examine the premises, and if they shall find that the landings are of sufficient capacity to accommodate the trade of the lateral railroad, in addition to the trade of the main railroad,

Railroads
landings &cCourt of com-
mon pleas

Compensa-
tion

they shall mark off a portion of the land to be allotted thereto, and fix upon a compensation suitable therefor, either in fee simple or as an annual rent, or a price per ton for the use of the same, and shall make return thereof to the court, who shall thereupon, if the report be approved by them, direct the said landing to be opened to the use of the public, upon the payment of the price assessed by the said jury, an appeal to the superior, being allowed as in other cases; and the jury shall be allowed the same compensation as jury upon county roads, to be paid by the party applying for the landing.

Sheriff of Ly-
coming coun-
ty deed to
Geo Oyster

SECTION 11. That the deed made the ninth day of May, one thousand eight hundred and thirty-nine, and on the same day acknowledged in open court, by John Bennet, Esquire, Sheriff of Lycoming county, to George Oyster, for a tract of land situate in Muncy creek and Turbut townships, in the counties of Northumberland and Lycoming, containing four hundred and eight acres and allowance, as described in said deed, and sold as the property of Solomon Mangus, is hereby declared to be good and valid, to all intents and purposes, in the same manner and with the same effect as if the whole of said tract of land were situate in the said county of Lycoming: *Provided*, That this section shall not effect the lien of any judgment.

Proviso

Comms

SECTION 12. That William W. Downing, Beynard Way and Joseph C. Strode of Chester county, or a majority of them, be and they are hereby appointed commissioners to view, lay out and mark a state road from Downingtown, in said county, by the way of Parkersville, to the state line at the point where the Wilmington and Kennett turnpike road terminates on said line. The said commissioners, after having been severally sworn or affirmed before a justice of the peace, to perform the duties of their appointment with impartiality and fidelity, (which oath or affirmation shall be carefully preserved by said justice,) shall view the ground between the points above designated, and after having made a careful examination of the same, shall proceed to lay out and mark said road of the width of thirty-three feet, in such a manner as to enable the supervisors readily to find the same, having due regard to the shortest distance and best ground, and in no instance shall the vertical departure from a horizontal line exceed three degrees, except at the crossing of streams and ravines, where by a moderate filling up and bridging said line may be reduced to that limit.

State road in
Chester co

View ground

Vacate

SECTION 13. Said commissioners shall have authority to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do; and in case access

to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.

SECTION 14. In order that the commissioners may be enabled to carry the provisions of this act into effect, they shall have authority to employ one person practically acquainted with surveying and levelling, at a per diem allowance not exceeding two dollars, two chain carriers and two axe-men, one of whom shall perform the duties of target-man, each to receive a per diem allowance not exceeding one dollar. Surveyor &c

SECTION 15. They shall make out two reports, each accompanied with a draft of said road, carefully denoting the courses and distances and the improvements through which it passes, the intersection of township lines, the courses and distances of the parts vacated, and the courses and distances of the extensions of lateral roads, one of which shall be deposited with the secretary of the commonwealth, and the other with the clerk of the court of quarter sessions of Chester county, to be entered upon record. Drafts

SECTION 16. Said commissioners shall enter upon the performance of their duties as soon after the passage of this act as may be practicable, but they are hereby required to terminate their labors on or before the first day of September next; they shall receive one dollar and fifty cents per day for every day they are engaged in the performance of said duty, which, together with the compensation allowed to their assistants, shall be paid out of the treasury of Chester county, in the same manner and form that other debts are paid out of said treasury. Duties Pay

SECTION 17. The distance in miles, from Downingtown and Wilmington, shall be carefully marked at the termination of each mile; and it shall be the duty of the supervisors, upon opening said road, to erect mile stones, denoting the distance in miles from each of those places. Mile marks

SECTION 18. After the commissioners have fulfilled the duties of their appointment and deposited the reports and drafts in the places designated in this act, it shall be the duty of the supervisors of the township through which said road passes, to proceed immediately to open the same in the following manner: They shall divide said road into sections not exceeding one mile in length, and after having given ten days notice by handbills placed in five or more of the most public places in the township, shall proceed to sell by public vendue the said sections to the lowest and best bidder, and after of road having allotted said sections shall direct the persons to whom Supervisor's duties Sell sections

said allotments have been made to proceed immediately to open the same, and in case of neglect or failure of any contractor to open his section or sections agreeably to the terms upon which he received such contract, the supervisor shall dispose of said section or sections at a subsequent sale by like proceeding as was had in the first sale, and if the price exceeds the previous allotment, the person to whom the previous allotment was made shall be liable for said excess, and for all expenses incurred in effecting said second sale. After said road has been opened, it shall be kept in repair by the townships through which it passes, in the same manner that other roads are repaired.

HENDRICK B. WRIGHT,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

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

DAVID R. PORTER.

[No. 174.]

AN ACT

To authorize Elizabeth S. Swift to make title to certain real estate, and for other purposes.

Elizabeth S.
Swift to sell
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 Elizabeth S. Swift of the borough of Easton, county of Northampton, and commonwealth of Pennsylvania, is hereby authorized to sell, convey and make title to certain real estate, in Germantown, in Philadelphia county, situate on the north-east side of the main street in Germantown; beginning at a stone for a corner on the side of the said main street, and extending thence by land of Thomas Norris north forty-one degrees east eight perches and a half to another stone, and north fifty-six degrees and a half east forty-one perches and three-quarters of a perch to a stake in Bristol township line; thence by the same and James Logan's