

SECTION 12. The Governor of this Commonwealth is here- Governor  
 by authorized to borrow, on a temporary loan, any sum of authorized to  
 money not exceeding six hundred thousand dollars, and to borrow on  
 give the necessary certificates therefor, and the same shall temporary  
 be repayable at such time as shall be agreed on at the time loan 600,  
 of making said loan, out of any money then in the treasury. 000 dollars.  
 not otherwise appropriated.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand  
 eight hundred and thirty-eight.

JOS. RITNER.



No. 75.

## An Act

Relating to the commencement of actions, to appeals from county  
 auditors, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Re-*  
*presentatives of the Commonwealth of Pennsylvania, in Gen-*  
*eral Assembly met, and it is hereby enacted by the authority*  
*of the same,* That no action now pending on a writ of error, No action,  
 or otherwise or hereafter to be brought by partners or several &c., shall  
 persons, against partners or several persons, shall abate, or abate.  
 the right of such partners or several persons plaintiffs, to  
 sustain their action, be defeated by reason of one or more  
 individuals being or having been members of both firms, or  
 being or having been of the parties plaintiffs and also of the  
 parties defendants, in the same suit, nor shall the judgment  
 rendered therein, if still pending on a writ of error, be  
 affirmed against the right of such plaintiff or plaintiffs to sus-  
 tain such action, nor reversed for the purpose of defeating  
 such right, but the same shall proceed to trial and judgment  
 as though the parties plaintiffs and defendants were separate  
 and distinct persons, and the acts and declarations of the part-  
 ner or persons so being of both the parties plaintiffs and defen-  
 dants, shall be evidence to affect each party, respectively, in  
 like manner and to the same extent as the acts and declara-  
 tion s of the other partners or persons plaintiffs or defendants,  
 would affect the respective firms or parties: *Provided,* That Provido.

no act or declaration of the party, shall be given in evidence in his own favor to the prejudice of others.

**SECTION 2.** That the fourth and fifth sections of an act entitled An act relating to the commencement of actions, passed the thirteenth day of June, eighteen hundred and thirty-six, be, and the same are hereby repealed, and all former laws which were repealed or supplied by the said two sections of said act are hereby revived, as fully and effectually as if specially re-enacted.

**SECTION 3.** That so much of the act relating to inspections, approved April fifteenth, one thousand eight hundred and thirty-five, as relates to the inspection of butter and hog's lard, shall not be construed as to require the inspection of butter and hog's lard intended for the coasting trade, or to be shipped to any port within the United States, unless at the option of the buyer and seller.

**SECTION 4.** That the borough of Allegheny shall be comprised within the following boundaries, to wit : beginning on the Allegheny river, at the point where "Saw Mill Run" empties into said river, and running thence by the centre of said run northwardly to the point at which it strikes the northern side of outlot No. one hundred and forty-two, thence west, by the said northern side of said outlot No. one hundred and forty-two, until it strikes outlot No. one hundred and forty-three, thence by the same south and seventy-six degrees west to outlot No. one hundred and forty-eight, thence north fourteen degrees west by the line of outlots No. one hundred and forty-eight, and one hundred and forty-nine, and one hundred and fifty, to the north-east corner of lot No. one hundred and fifty, thence south seventy-six degrees west, by the line running between outlots No. one hundred and fifty, one hundred and fifty-one, one hundred and seventy four, one hundred and seventy-five, and one hundred and eighty-two, one hundred and eighty-three, to the north east side of Pasture Lane, thence by Pasture Lane, northwardly to Island Lane, thence westwardly by the north side of said Island Lane to a street which runs southwardly betwixt outlots No. two hundred and fifty-one, and two hundred and fifty, two hundred and fifty-seven and two hundred and fifty-six, thence south by the south-west side of said street to Ohio Lane, thence by the north side of Ohio Lane to Fulton street, which runs betwixt outlots Nos. two hundred and sixty one, and two hundred and sixty-two, two hundred and seventy, two hundred and sixty-nine, thence by the south-west side of said Fulton street to Water Lane, thence by the north-west side of Water Lane

Repeal of certain sections and revival of former laws.

Inspection of butter and hog's lard.

Boundaries of the Borough of Allegheny prescribed.

to the south-west side of Ferry Lane, thence by the same south fourteen degrees east to the middle of the Ohio river, thence by a line up the middle of the same and of the Allegheny river, along the line of the city of Pittsburg, to a point opposite the place of beginning, thence by a straight line to the place of beginning.

SECTION 5. That from and after the first day of July eighteen hundred and thirty-eight, so much of the first section of the act entitled "An act erecting the town of Allegheny into a borough," as by this act is supplied be and the same is hereby repealed. Repeal of part of former act.

WHEREAS, an act was passed on the tenth day of April, A. D. one thousand eight hundred and twenty-eight, authorizing the Governor to incorporate the Mount Pleasant Free Road company, in the county of Westmoreland, which act provides that no person shall have more than five votes at any election, and that every person shall have one vote for every ten dollars subscribed up to that number, and that all elections shall be held on the second Monday of April in each and every year, and afterwards by an act passed the fifth day of April, A. D. one thousand eight hundred and thirty, entitled An act relative to certain turnpike corporations it was enacted that the president and managers of the Mount Pleasant Free Road company were to open books and receive an additional subscription of stock to said company, not exceeding two hundred shares at fifty dollar per share, for the purpose of improving the bed of said road with stones or gravel, and that the company hereafter shall be known by the name and title of the Mount Pleasant and Pittsburg Turnpike Road company : *And whereas*, in consequence of the foregoing recited acts difficulties have arisen as to what amount of stock constitutes a voter at their elections for managers and other officers ; Therefore, Preamble rel'e. to M't. Pleasant Free Road Co. & the M't. Pleas't & Pittsburg TurnpikeCo

SECTION 6. *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 stockholders of the Mount Pleasant Free Road and those of the Mount Pleasant and Pittsburg Turnpike Road companies, after the passage of this act, shall be governed, restricted and regulated by the act incorporating the Mount Pleasant and Robbstown Turnpike Road company. To be regulated by the act incorporating the M't. Pleas't. & Robbstown TurnpikeCo.

SECTION 7. And the said Mount Pleasant and Pittsburg Turnpike Road company, shall, after the passage of this act, hold their elections on the first Monday in January in each and every year. Annual election.

SECTION 8. That the commissioners of the county of

Cumberland Co. School teachers to be paid. Cumberland shall settle the accounts of the teachers of schools in the county of Cumberland, for teaching the children of said county, who parents were unable to pay for their schooling, and for stationary furnished for the use of the said children, between the first day of January, eighteen hundred and thirty-five, and the first day of August, eighteen hundred and thirty-six, and pay to the said teachers the amount, which may be ascertained according to the rule provided in the act entitled "An act to provide for the education of the poor gratis, for ascertaining the sum to be due to such teachers respectively.

Governor to appoint a measurer of marble. SECTION 9. That the Governor be, and he is hereby authorized and required to appoint a measurer of marble, whose duty it shall be faithfully to measure all marble, in the rough, brought into the city and county of Philadelphia for sale, when thereto required by the parties or either of them, whose compensation shall be one cent per foot for cubic marble, and one fourth of a cent per foot for slab marble.

Appeals from county Auditors. SECTION 10. That the courts of Common Pleas shall direct the form in which the issues shall be entered in all appeals now pending, or which may be hereafter taken, from the reports of county auditors, and the same may be submitted to reference or arbitration, in the same manner as is provided in the act relating to reference and arbitration, passed sixteenth June, eighteen hundred and thirty-six, and the proceedings thereupon shall be the same as are provided by the said act.

Rel'e to the costs. SECTION 11. In case the appellant or appellants shall not recover final judgment in court more favorable to him or them than the the report of auditors, he or they shall pay all costs that may accrue on his or their appeal; but if he or they should recover, in court, a final judgment more favorable than the report of the auditors, then the appellee or appellees shall pay all costs that may accrue on such appeal.

LEWIS DEWART,

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