

[No. 142.]

AN ACT

Relating to the Distribution of Damages arising from Canals and Railroads, 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 in all cases where damages have been or shall hereafter be assessed, under any law of this Commonwealth, on account of injury done by the canals and railroads, or other public works belonging to the State, to any private property on which there are any liens at the time of such damage sustained, or at the time of the assessment or payment of the same, it shall be lawful for any person having or claiming to have such lien, to give notice in writing to either of the canal commissioners, or to the superintendent or supervisor having charge of the line of works on which such injury has been or shall be done, of the amount and nature of such lien; whereupon, it shall be the duty of the canal commissioners, or any officer or agent of the State having charge of the payment of said money, to pay the same into the court of common pleas of the proper county where the land injured lies; and the receipt of the clerk of such court shall be sufficient voucher for said officer in settling his account.

Persons having liens on property to which damage is done, to give notice to Canal Commissioners or Sup't of the amount and nature of such lien; Commissioners, &c. to pay the amount into court.

SECTION 2. On the money being paid into court according to the provisions of the first section of this act, it shall be the duty of the court to make distribution of the same among the lien creditors, according to their priority of liens existing at the time of such payment, in the same manner that said money would be distributed if raised by a sale of said property by the sheriff; and the whole proceeding for distributing said money, shall be conducted in the same manner prescribed by law in relation to the distribution of moneys arising from sheriff's sales, and the court possess like power and control over said money.

Court to make distribution.

SECTION 3. Where damages have been or shall be assessed on account of any injury done by the canals, railroads, or other public works of this Commonwealth, to any private property in which the person petitioning for or claiming such property is not tenant in fee simple or fee tail, it shall be lawful for any person interested in the remainder or reversion of said estate, to give notice in the manner prescribed in the first section of this act, whereupon the money shall be paid into court as therein directed, and said court shall direct

Persons interested in remainder or reversion of the estate to give notice as aforesaid

Money to be the said money to be so invested as to secure the person hold-
 paid into ing the particular estate the use thereof for the duration of said
 court estate; and at the expiration of said particular estate, the money
 to go in the same manner the land would have gone by law if
 the same had not been converted into money; and to effect
 said objects said court shall have and possess all the powers
 of a court of chancery, and make such orders and decrees, and
 require such securities to be given as to said court shall
 appear equitable.

Claimants of SECTION 4. In all applications which shall hereafter be
 damages to made for the recovery of damages under the provisions of the
 set forth the laws of this Commonwealth, on account of injury done by the
 nature of public works as aforesaid to private property, it shall be the
 their claim duty of the petitioner to set forth the nature and kind of estate
 which he claims in the premises; and if it shall appear in said
 application, that the person so applying does not claim to own
 said property in fee simple or fee tail, it shall be the duty of
 the officer having charge of the distribution of the money, to
 pay the same into court, according to the third section of this
 act, when said money shall be distributed as in said section is
 directed.

Claimants to or title to the same property, on account of injuries, for which
 make oath of damages have been or shall be assessed as aforesaid, it shall be
 the nature of lawful for such person at any time before payment of the
 their claim money to the petitioner, to serve a notice as directed in the
 first section of this act, making a written statement under oath,
 of the nature of his claim or interest, and stating that he verily
 believes his claim or interest is good and valid, and that he is
 entitled to receive said money or a part thereof, and where a
 part only is claimed stating the proportion; whereupon it shall
 be the duty of the officer to pay the money into court as direc-
 ted in the first section of this act; and said court shall direct
 such issues to be formed and proceedings to take place as will
 legally determine the right to said money.

Money to be SECTION 6. None of the provisions of this act shall be con-
 paid into strued to extend to any case where the money awarded and
 court assessed for damage done to property, has been paid over to
 the petitioner claiming the same.

Money to whom to be SECTION 7. That all that part of the township of Greene, in
 paid the county of Clinton, comprised within the following bounds,
 viz: beginning at the foot of Nittany mountain, at the north
 corner of lands of Matthias Snook and Anthony Kleckner;
 thence south on the line between said Snook and Kleckner, to
 the south corner of the same; thence east on the line of the
 same, to the east corner of lands of the same said Snook and
 Kleckner; thence on the same course, on the line of lands
 between Adam Heller and Anthony Kleckner, to corner of
 lands of Adam Heller and Frederick Staver; thence south on
 the line between said Heller and Staver, to the corner of Sta-

Logansville
 school district
 erected in the
 county of
 Clinton

ver and F. B. Nichols; thence east on the line between Staver and Nichols, to the corner of lands between Stbver and Francis Granly; thence north on the line of the same, to corner of lands of — Wise; thence east to the corner of lands of Mark and Granly; thence north to the State road; thence east to include Jacob Warner; thence north on the line of John Brumgart and John Fronkenberger; thence west along the foot of Nittany mountain, to the place of beginning, be and the same is hereby erected into a separate school district, to be called Loganville district, with all the rights, powers and immunities of other school districts in this Commonwealth. The qualified citizens of said district shall meet on the fourth Tuesday (the twenty-fifth) of May, eighteen hundred and forty-one, at the house of George A. Achenbaugh in said district, between the hours of twelve and six o'clock, for the purpose of electing six school directors, and of deciding by ballot upon the question of adopting the common school system; the election to be conducted by G. A. Achenbach, Adam Heller and David Gerhart, who are hereby required to give public notice of the time and place of holding such election, at least ten days prior thereto; the said election to be conducted in other respects agreeably to the thirteenth section of an act to consolidate and amend the several acts relative to a general system of education by common schools, approved the thirteenth of June, eighteen hundred and thirty-six. The persons elected as school directors at said election, shall meet within ten days thereafter, and classify themselves into three classes. The first class to serve until the third Friday of March, eighteen hundred and forty-two, the second until the third Friday of March, eighteen hundred and forty-three, and the third class until the third Friday of March, eighteen hundred and forty-four, at which several periods their successors shall be elected. The persons elected as aforesaid, shall have power on or before the first Monday of August, eighteen hundred and forty-one, to levy and collect a school tax, agreeably to the provisions of the several acts of the general assembly, establishing a system of education by common schools; and shall have all other powers, and exercise all other duties pertaining to the office of school directors in this Commonwealth.

Election of school directors

Notice of election

Meeting and classification of directors

Power to levy and collect taxes

SECTION 8. That it shall be the duty of the adjutant general to furnish upon the order of the brigade inspector of the first brigade, fifth division, Pennsylvania militia, out of any of the arsenals of this Commonwealth, when a sufficient number of unappropriated arms and accoutrements may be had, the usual stand of rifles for the use of the volunteer company styled the Mechanicsburg Rifle company, attached to said brigade, for the use of the members thereof: *Provided*, Such rifles and accoutrements shall be issued under such restrictions, provisions, and security as is now by law required.

Mechanicsburg Rifle company to be furnished by Adj't General with arms

Proviso

and purposes, as if the same had been approved of by the orphans' court of Luzerne county.

SECTION 14. That the adjutant general be and he is hereby National authorized to attach the volunteer company, called the Nation-Guards to be al Guards, which is now attached to the one hundred and furnish'd with twenty-third regiment Pennsylvania militia, to any other regi- arms by Adj't ment he may think proper, within the bounds of the first General division.

SECTION 15. That the incorporated limits of the borough of McVeytown, in the county of Mifflin, are hereby enlarged and extended, so as to include the following boundaries to Borough of McVeytown, limits enlarg'd wit: beginning at a post on the Juniata river; thence north seventy-four degrees, west seventy-eight perches and a half to a post; thence by land of Brooks and Co. north eighty-eight and a half degrees, west eleven perches and six tenths to a post; thence south one and a half degrees, west fifty perches to a post; thence north eighty-eight and a half degrees, west thirteen perches and eight-tenths to a post, and thence south one and a half degrees, west forty-eight perches, to a locust; thence south forty-eight degrees, east twenty-two perches and a half, to a locust; thence south seventy degrees, east nineteen perches to a locust; thence north eighty and a half degrees, east thirty-five perches and three-tenths to but-tonwood; thence south sixty eight and a half degrees, east thirteen perches and a half to a blackwalnut; thence south eighty-eight and a half degrees, east twenty perches to a post on the bank of the river aforesaid; thence down the same one hundred perches, to the place of the beginning.

SECTION 16. That it shall and may be lawful for all per- Election of sons entitled by law to vote for burgess and town councilmen of the borough of McVeytown, at the same time and place where they vote for said officers, annually to elect two reputable citizens of said borough, and return the names of the per- Names to be sons so elected to the next court of quarter sessions of the said county of Mifflin, one of whom shall be appointed constable of said borough, in the same manner, with the like power and authority, and receive like fees, and be subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this Commonwealth; and shall serve and Duty and execute all manner of process which may by law be directed powers of constables to the constable of said borough, and shall do and perform all the duties required to be done by the constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough, he shall perform all the duties required to be performed by the constables of Wayne township, (now Oliver) by the provisions of the act to which this is a supplement, so far as the same are not taken away by this act, nor by

Company exempt from parading or drilling with militia
Proviso

SECTION 9. That from and after the passage of this act, the said Mechanicsburg rifle company shall be exempt from parading or drilling with any regiment or battalion of militia, except at the discretion of the members of said company: *Provided*, That the above named company shall meet the proper number of days required by law, in their company capacity.

Governor to draw his warrant on State Treasurer for \$700 in favor of Western Penitentiary

SECTION 10. That the Governor be and he is hereby authorized and required, to draw his warrant in favor of the inspectors of the Western Penitentiary, for the sum of seven hundred dollars, being the amount paid by them for counsel fees in a suit with the borough of Allegheny, affecting the right of the Commonwealth to certain ground attached to the said penitentiary. The said amount to be paid out of the sum of five thousand dollars, appropriated by the act of twenty-first of March, eighteen hundred and thirty-nine, entitled "an act making appropriation to the Western Penitentiary," and that the inspectors furnish a statement of the account to the accountant department, to be settled and adjusted in the usual manner.

Inspectors to settle account

Creditors of Nicholson & Baynton to present their account to the Judge before 1st Oct 1841

SECTION 11. That the creditors of the estates of the late John Nicholson and Peter Baynton, who have not heretofore presented their claims under their provisions of any prior law, may and are hereby authorized to present such claims to the Judge of the Nicholson court of pleas for the State of Pennsylvania, at any time before the first day of October next, and the claims so presented shall have the same force and effect as if the same had been presented on or before the first day of October, one thousand eight hundred and thirty-nine, any law to the contrary notwithstanding.

Pennsylvania Troop to be furnished with arms by Adj't General

SECTION 12. That the adjutant general be and he is hereby authorized to issue arms and other accoutrements to the cavalry company styled the Pennsylvania troop, belonging to the twelfth regiment, first brigade, tenth division Pennsylvania militia, under such regulations and restrictions as are provided for by law.

Sales of land made by administrator of L H Conover, Somerset co declared valid

SECTION 13. WHEREAS, William H. Sloan, administrator of Lewis H. Conover, deceased, is authorized by an act of assembly, passed the sixth day of April, one thousand eight hundred and thirty, to sell certain lands in Shade township, Somerset county, late the property of the said Lewis H. Conover, deceased, and it is provided by the act of assembly aforesaid, that before the said sale shall be valid, it shall be approved of by the orphans court of Luzerne county, Therefore,

Be it enacted, That if any sale or sales of the aforesaid lands, which have been or may hereafter be made by the said William H. Sloan, in pursuance of the aforesaid act of assembly, be approved by the orphans' court of Somerset county, the said sale or sales shall be as valid and effectual to all intents

Restrictions the by-laws and ordinances which shall or may be passed by the burgess and town council, in pursuance of the provisions of this act, and the act to which it is a supplement, and for all the duties which he shall perform under the by-laws and ordinances which shall or may be passed by the burgess and town council aforesaid, in pursuance of the provisions of this act, and the act to which this is a supplement, he shall receive such fees as shall be fixed and determined by the by-laws and ordinances of the said burgess and town council.

Election of Overseers of the poor SECTION 17. That it shall and may be lawful for all persons entitled by law to vote for burgess and town councilmen of the borough of McVeytown, at the same time and place where they vote for said officers annually, to elect two reputable citizens of said borough, to serve as overseers of the poor of said borough, whose names shall be returned to the next court of quarter sessions of the said county of Mifflin, in the same manner as is required in the case of the election of a constable, and the said overseers of the poor shall have the care and guardianship of the poor of the said borough of McVeytown, and shall provide for the same according to the provisions of the existing poor laws of this Commonwealth, and shall settle their accounts annually with the burgess and town council, at such time, and in such manner, as they shall by their by-laws direct and appoint.

To settle their accounts annually Repeal of 29th section of original act SECTION 18. That the twenty-ninth section of the act to which this is a supplement, is hereby repealed, and the said borough of McVeytown, from and after the passage of this act, shall constitute a separate election district, and all general or electoral elections, and all borough elections for said borough of McVeytown, shall be held at the Union school house, in said borough, and the said borough is hereby separated from the township of Oliver.

Perry county erected into a separate brigade Election of officers SECTION 19. That from and after the first day of June, one thousand eight hundred and forty-two, the county of Perry shall constitute a separate brigade, and the militia men within the bounds of said brigade shall have power and are hereby required to elect the proper officers (agreeably to existing laws) necessary to the complete organization of said brigade.

Damage done by opening State street in Harrisburg—how to be adjusted by appraisers SECTION 20. That the appraisers of canal damages in ascertaining the damages done, by reason of the opening of State street, in the borough of Harrisburg, from the capitol to the canal, shall not take into view the advantages which the persons applying for damages shall have derived from the construction of the public works in the case of any property, as to which the advantages of the Pennsylvania canal, have been already considered by the viewers of canal damages, and in cases where assessment of damages has been made contrary to the intent and meaning of this act, and not finally settled

and paid, the viewers are hereby authorized and required on application of the owners of said property, to re-examine the same in the manner directed, and subject to the provisions of this bill, and the state treasurer is hereby authorized and directed to pay the same, out of any money in the treasury not otherwise appropriated.

SECTION 21. That from and after the passage of this act it shall be the duty of the auditors of the county of Philadelphia, in addition to any other duties now imposed by law, to audit the accounts of the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn, and the accounts of the inspectors of the county prison, and the accounts of the board of health, and the accounts of the controllers of the public schools, within ninety days after the expiration of the fiscal year of said guardians, inspectors of prison, board of health, and controllers of public schools, respectively, at their respective offices, and make report thereof to the court of common pleas of said county, together with a statement of balances due from or to such guardians, inspectors of prison, board of health, or controllers of schools, and for such services no additional compensation whatever shall be allowed, above the per diem compensation now allowed by law, and if said auditors, or any one of them, shall refuse or neglect said duties herein enjoined upon him or them, he or they, so neglecting or refusing, shall be subject to all the penalties imposed by the act of ninth of April, eighteen hundred and forty.

SECTION 22. That the commissioners of the county of Jefferson, be and are hereby authorized to subscribe to the Brookville academy, the sum of five hundred dollars, and that on the second Tuesday in October next; and every year thereafter, the qualified voters of the said county, shall elect three suitable persons, as trustees for the said academy, and the said trustees shall be divided agreeably to the provision of the second section of the act thirteenth April, eighteen hundred and thirty-eight, establishing an academy at the borough of Brookville, in the county of Jefferson, and that so much of the act above referred to, as interferes with the provisions of this section, be and the same is hereby repealed.

SECTION 23. That the balance of the appropriations made under the act entitled an act to establish a general system of education by common schools, passed the first day of April, one thousand eight hundred and thirty-four, and the several supplements thereto, and the balance of the first appropriation of one hundred thousand dollars, and all subsequent balances which shall remain undrawn on the first of November, one thousand eight hundred and forty-one, and all subsequent balances shall remain in the treasury, and accumulate for the

State Treasurer to pay damages

Auditor of Philadelphia to go to audit accounts of guardians for the relief and employment of the poor, Board of Health, &c

To report to court of common pleas, &c

Penalty for neglect of duty

Commissioners of Jefferson co authorized to subscribe \$500 to Brookville academy

Election of trustees

Non-accepting school districts entitled to their share of annual State appropriations until Nov. 1, 1843

use of such district or districts, entitled to the same for any time not exceeding two years, from the first of November, one thousand eighteen hundred and forty-one, and all such balances remaining in the treasury on the first day of November, one thousand eight hundred and forty-three, shall be repaid into the common school fund, and in like manner the undrawn balances of subsequent appropriations, shall be repaid into the said fund annually thereafter.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 143.]

A N A C T

Incorporating the Penn Insurance Company, at the city of Pittsburg, in the county of Allegheny.

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 there shall be and is hereby established at the city of Pittsburg, in the county of Allegheny, an insurance company with a capital of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid by individuals, companies or corporations in the manner hereinafter specified, which stockholders and subscribers and their successors shall be and are hereby created a body corporate and politic, with perpetual succession, by the name and style of the Penn insurance company, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts and places, and in all matters whatsoever, with full power and authority to hold, possess, use, occupy and enjoy all such real estate as shall be necessary or convenient for the transaction of business, or which may be conveyed to said company for security, or in payment of any debt that may become due or owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor, and the same real estate to sell, convey and dispose of; and said corporation may have and use a common*

Company
established

Shares

Name

Powers, &c