

[No. 144.]

SUPPLEMENT

To an act entitled an act to incorporate the town of New Castle, in the county of Mercer, and the town of Blairsville, in the county of Indiana, passed twenty-fifth March, Anno Domini, one thousand eight hundred and twenty-five, 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 if the borough taxes levied on unseated lots, within the borough of New Castle, shall not be voluntarily paid by the owner or owners thereof, the borough collector shall certify the same to the county commissioners, who shall enforce the collection thereof, in the same manner as the tax on unseated lots is collected when assessed for county purposes, and when so collected, the same shall be paid to the borough treasurer, for the time being, by orders drawn by said commissioners on the county treasury. Tax on unseated lots

SECTION 2. In addition to the powers granted to the chief burgess of the borough of New Castle aforesaid, he is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the borough constable, commanding him to collect all fines and forfeitures, incurred by a breach of the ordinances and regulations of said corporation. Powers extended

SECTION 3. The chief burgess, the president of the council, and the borough treasurer shall hereafter constitute a board to hold the court of appeal for the said borough. Board of appeal

SECTION 4. The election for borough officers on the third Friday of March, one thousand eight hundred and forty, is hereby declared to be as good and valid in law, as if the same had been held agreeably to the provisions of the act incorporating said borough. Former election declared valid

SECTION 5. That the canal commissioners are required to examine the claim of Israel Cooper, and Isaac Updegrave, for the old depot on the railroad near Columbia, and if upon due proof they shall be satisfied said old depot was to be a part of the consideration for building the new depot, at the canal basin at Columbia, then said commissioners shall permit said Updegrave and Cooper, to remove said old depot and possess the same, or pay them such damages as may be reasonable and just in lieu thereof, as they may deem most consistent with the interest of the State, and if damages are assessed, they shall be paid out of the damage fund, and so much of the act passed Canal commissioners to examine claim of J Cooper & J Updegrave

seventh of April, eighteen hundred and forty as is hereby altered, is hereby repealed.

SECTION 6. That the canal commissioners be and they are hereby authorized and directed to settle and adjust the claims of H. Longwell and company, for damages sustained by the suspension of the work on sections seven and ten, of the Western Extension of the Pennsylvania railroad, and if in their opinion the said contractors have sustained any damage in consequence of the said suspension, the said commissioners shall draw their warrant on the state treasurer for the amount, allowed to be paid out of the damage fund, or any other money in the treasury not otherwise appropriated.

SECTION 7. In all cases where any dwelling house or other building or property real or personal, has been or shall be destroyed, within the county of Philadelphia, in consequence of any mob or riot, it shall be lawful for the person or persons interested in, and owning such property, to bring suit against he said county where such property was situated, and being for the recovery of such damages as he or they sustained by reason of the destruction thereof, and the amount which shall be recovered in said action shall be paid out of the county treasury, on warrants drawn by the commissioners thereof, who are hereby required to draw the same as soon as said damages are finally fixed and ascertained.

SECTION 8. No person or persons shall be entitled to the benefits of this act, if it shall appear that the destruction of his or their property was caused by his or their illegal or improper conduct, nor unless it be made to appear that he or they, upon the knowledge had of the intention or attempt to destroy his or their property, or to collect a mob for such purpose, and sufficient time intervening, gave notice thereof to a constable, alderman, or justice of the peace, of the ward, borough, or township, in which such property may be situated, or to the sheriff of the said county, and it shall be the duty of the said sheriff, alderman, constable, or justice, upon the receipt of such notice, to take all legal means to protect said property so attacked, or threatened to be attacked, and if the sheriff, alderman, constable, or justice of the peace, upon the receipt of such notice, or upon knowledge of such attack or intended riot, or disturbance, shall neglect or refuse to perform his duties in the premises, he or they, so neglecting or refusing, shall be liable for the damages done to such property, to be recovered by an action on the case in the court of common pleas of the proper county, and shall be deemed guilty of a misdemeanor in office, and on conviction thereof by the proper court, his commission shall be void.

SECTION 9. Nothing in this act shall be construed to prevent the person or persons whose property is injured or destroyed, from having and maintaining his or their action

against all and every person engaged, or participating in said riot or mob, to recover full damages for any injury sustained: *Provided*, That no damages shall be recovered by the party injured against any of said rioters, for the same injury for which compensation shall be made by the county. Proviso

SECTION 10. It shall be lawful for the commissioners of the county, against which damages shall be recovered under the provisions of this act, to bring a suit or suits, in the name of the county, against any or all persons engaged, or in any manner participating in said mob or riot, or against any sheriff, alderman, justice of the peace, or other officer charged with the maintenance of the public peace, who may be liable by neglect of duty to the provisions of the eighth, ninth, and tenth sections of this act, for the recovery of all damages, costs, and expenses, incurred by said county, and said suits shall not abate or fail by reason of too many or too few parties, defendants, being named therein, but the same shall to all intents and purposes, be treated as actions of trespass brought by the owner of such property. County commissioners may bring suit for compensation

SECTION 11. The provisions of this act shall not be construed to extend to injuries done more than one year before its passage, nor to any case for which compensation has heretofore been made. Act construed

WM. A. CRABB,
Speaker of the House Representatives.

JN. H. EWING,
Speaker of the Senate.

APPROVED—The thirty-first day of May, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 145.]

AN ACT

For the Relief of William Stewart, late a Contractor on the Erie Extension of the Pennsylvania Canal, 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 the canal commissioners shall examine the claim of William Stewart, contractor for dam number one and lock number ten, on the Erie extension of the Pennsylvania canal, and allow him for any loss he may have sustained in the Canal commissioners to examine claim of W Stewart