

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

erection of said dam, by reason of the change in the original contract, changing that which was to have been common rubble work to crib work, taking into consideration the preparations made and expenses incurred for prosecuting the work according to the original contract, and also the rate of the other masonry done: *Provided*, That in estimating the same, no allowance shall be made for any hardship in the original contract, but the said contractor shall be put on as good terms as he would have been if no change had been made in his work: *2 l proviso Provided further*, That all the expenses of such examination shall be defrayed and paid by the said William Stewart, if the said board of canal commissioners shall not award any damages or extra compensation beyond the estimate of the engineer.

*Claim of Emery & Son* SECTION 2. That said commissioners are also required to examine the claims of John Emery and sons, contractors for section number two, on said Erie extension, and allow them for any loss they may have sustained by reason of any change made by the engineer in the location of said section, and to adjust the same upon the same principles and subject to the same restrictions contained in the preceding section; and any money awarded by virtue of this act, shall be paid out of any funds in the treasury not otherwise appropriated.

*Claim of Goldsmith & Hinchman* SECTION 3. That the canal commissioners be authorized to inquire into the claims of Goldsmith and Hinchman, for extra labor and materials in clearing out a dock on the river Schuylkill, and to pay them or their assignees such sum as may be deemed equitable and just.

*Montieth Iron company incorporated* SECTION 4. That John Gilpin, James E. Brown, William F. Johnston, and Alexander Johnston and their associates, successors and assigns, be and they are hereby constituted a body corporate, by the name, style and title of the "Montieth Iron Company," for the transaction of the usual business of companies engaged in the mining of coal and manufacturing of iron in all its various forms, and in making railroads for transporting the same to market. And the said company shall have the same capital and all the rights, privileges, and powers of the Bradford railroad and coal company, and be subject to all the provisions and restrictions imposed upon the said company by the act incorporating the same, passed twenty-eighth May, one thousand eight hundred and forty, entitled "An act to incorporate the Bradford railroad and coal company." The *Powers, privileges, restrictions, &c* aforesaid John Gilpin, James E. Brown, and Alexander Johnston and their associates, successors, and assigns, shall have power to hold by purchase or lease, one thousand acres of land in each of the counties of Armstrong and Clarion; as also such lots of land not exceeding five acres in any one place, as may be found convenient as places of *Land* deposit in the transportation and sale of their produce. All

notices required to be given in the act to which this act refers, Notice shall be given in the county of Armstrong, by publication in one or more of the newspapers in said county; and the elections of the company shall be held in the borough of Kittanning in said county. And it may be lawful for the said Mont-eith iron company to use and employ their moneys, lands, and tenements in mining coal, making railroads to convey the same to market, in making and manufacturing iron from iron ore into pig, bloom, or any other description of iron, and in such goods and merchandize as may be necessary to carry into full effect the operations of said company. Elections  
Object

SECTION 5. That the canal commissioners be and they are hereby authorized to examine into the claims for damages of the several contractors on the Sinnemahoning line of the West Branch canal, alleged by them to have been sustained by reason of the abandonment and discontinuance of the work thereon by order of the said board, dated July fourth, one thousand eight hundred and thirty-nine, in consequence of the failure of appropriatons to prosecute the same, shortly after the said contractors had commenced work thereupon; and to allow them severally such compensation in damages for unavoidable losses sustained in commencing work, in erecting necessary buildings, and in purchasing tools, furniture and provisions as to said canal commissioners shall appear just and equitable, taking into consideration only such actual damage and loss, but not allowing any thing for prospective damage, or in compensation for the benefits they might have derived from, or profits they could have made out of said contracts, if prosecuted to completion. And if they shall be satisfied that such damage or loss was sustained by the said contractors by reason of the abandonment of the said jobs, and without any default, negligence, or collusion on the part of the said contractors, then to draw their warrant on the state treasurer, in favor of such contractor or contractors, for the sums respectively awarded them, to be paid out of any moneys in the state treasury not otherwise appropriated. West Branch division, Sinnemahoning line, Canal commission'rs to examine claims of contractors

SECTION 6. That the commissioners of the county of Greene, are hereby authorized to make and execute a deed of conveyance to the Roman Catholic church of Waynesburg, for about three-fourths of an acre of ground of the common of said town, to be laid off in a rectangular form, and on the east side of the present grave yard, and the north and south lines thereof to run with the north and south lines of the said present grave yard; which piece of ground shall be held by said church and their successors forever, as a burial ground; and no indictment, suit, or action in any form, shall be sustained to divest said church or their successors of the full and perfect enjoyment thereof, unless the same be commenced within five years after the passage of this act. Commissioners of Greene co to make deed R C Church of Waynesburg

Gettysburg  
railroad con-  
tractors

SECTION 7. WHEREAS, difficulties have arisen in the payment over and appropriation of the sums of money due from the Commonwealth to the contractors on sections number one and twenty-one, on the Gettysburg extension of the Pennsylvania railroad, arising from the conflicting claims of the different persons holding orders and assignments of and for the same, which claims involve questions as to the legal rights of the parties which it is proper should be decided by a court of law; therefore,

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Be it enacted, That immediately after the passage of this act, the superintendent, or other disbursing officer of the Commonwealth, in whose hands the same shall be, shall and he is hereby directed to pay into the court of common pleas of Adams county, upon the receipt or acquittance of the clerk of the said court, all moneys then in his hands due and owing by and from the Commonwealth, or which shall thereafter be ascertained to be so due and owing to the late firm of Fisher, Baker and company, contractors on section number one of said railroad, or to any one of the partners of said firm, either on account of the said firm or in his or their individual right, as well as all moneys then in his hands due and owing to John P. Baker, contractor upon section number twenty-one of said road, whether such moneys be due and owing to the parties aforesaid for and on account of work done, retained per centage, interest or damages. And the receipt of the clerk of the said court shall be a sufficient voucher to said superintendent or disbursing officer to discharge him of the estimates on said sections in so far as the said officer shall not then have been already discharged or settled with by the proper accounting officers, and shall be received by the accounting officers in the settlement of his account, in discharge of said disbursing officer, in like manner as if the same were signed by the contractors themselves, or those claiming under them.

Jurisdiction of  
court

SECTION 8. That immediately after such payment, the said court of common pleas shall have and acquire full jurisdiction of the case, and have power to appropriate the said moneys among the different claimants, according to the principles of justice and equity and the legal rights of the parties, with power to direct as many issues, to try and determine disputed facts as they may deem necessary, and to proceed in all things as if the said court had had original jurisdiction of the subject matter of controversy, reserving to all or any of the parties the right of appeal, or writ of error to the supreme court, as in other cases.

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canals

SECTION 9. All the provisions of the act of the fifth of May, one thousand eight hundred and thirty-two, entitled "An act regulating lateral railroads," and the supplements thereto, are hereby extended to the construction of canals, not exceeding

in width the canals constructed by the Commonwealth: *Provided*, That no canal constructed under the authority of this act shall drain off the water from any canal or pool with which the same may be connected, and all such canals shall be so constructed as not to permit the water conveyed into the dam to be lost or wasted by leakage or drainage: *And provided further*, That a plan thereof shall be submitted to and the consent of the canal commissioners be had and obtained prior to the construction of any such canal. Restrictions, &c.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—This seventh day of June, A. D., eighteen hundred and forty-one.

DAVID R. PORTER.

[No. 146.]

## AN ACT

To authorize the Governor to incorporate a company for making an artificial road from the Monongahela and Coal Hill turnpike road, near the top of Coal Hill, in the county of Allegheny, in a direction towards Canonsburg, in the county of Washington, 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 John Gilfillan, James Espy, Thomas Blackmore, John Murry, John Patterson, and Charles King, *Commissioners* of the county of Allegheny, John Bowers, Alexander M'Connell, James Pollock and Enoch Wright, of the county of Washington, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first Monday in November next, procure one or more books, and enter in each of them as follows: To open books We whose names are hereunto subscribed, do promise to pay unto the president and managers of the Coal Hill and Upper St. Clair turnpike road company, the sum of twenty-five dollars, for every share of stock set opposite our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this Commonwealth, entitled "An act to authorize the