

William M. Darlington

**L A W S**

Pennsylvania. Laws, statutes, etc. 717-55

OF THE

**GENERAL ASSEMBLY**

OF THE

**Commonwealth of Pennsylvania,**

PASSED AT THE SESSION OF 1840,

IN THE

SIXTY-FOURTH YEAR OF INDEPENDENCE:

INCLUDING TEN ACTS AND FOUR RESOLUTIONS,

PASSED BY BOTH BRANCHES OF THE LEGISLATURE, AT THE SESSION OF 1838-9.



---

PUBLISHED BY AUTHORITY.

---

HARRISBURG:  
WILLIAM D. BOAS—Printer.

.....  
1840.

to pave any foot-way to a greater width than five feet in front of any vacant lot.

SECTION 2. That the corporation of the borough aforesaid, shall and may recover the expenses of cutting down, filling up, grading, paving, repaving, curbing and recurbing as aforesaid, of and from the owners of the property in front of which the same may be done, before any justice of the peace or any court having jurisdiction, in the same manner as debts of like amount are by law recoverable, or may file a lien for the same, and proceed for the recovery thereof in the manner set forth in the act relating to the liens of mechanics and others, passed June sixteen, one thousand eight hundred and thirty-six, the provisions of which are hereby extended to the work done under this act.

SECTION 3. That from and after the passage of this act, the qualified voters of the said borough shall, at the annual election for charter officers, elect two supervisors, one for each ward thereof, who shall hold office for one year, and all former powers delegated to the borough council for appointing the same, are hereby withdrawn and annulled.

WM. HOPKINS,

*Speaker of the House of Representatives.*

EBEN'R. KINGSBURY, Jr.

*Speaker of the Senate.*

APPROVED—The twenty eighth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 185.]

## A N A C T

To authorize the Governor to contract with the corporation of the borough of Harrisburg, for supplying the public buildings with water, 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 whenever the corporation of the borough of Harrisburg shall have completed the construction

Governor to contract for supplying public buildings with water  
 Proviso.

of their water works, for the introduction of water into and through said borough, the governor is hereby authorized and directed to contract, on behalf of the commonwealth, with said corporation, for supplying the public buildings on Capitol Hill, with water, for any period not exceeding five years: *Provided*, That the same shall not exceed the sum of six hundred dollars per annum.

Crawford co. Mutual Insurance comp'y

Name, style and title.

Privileges and franchises.

Seal.

SECTION 2. That John Reynolds, David Dick, Eliphalet Betts, Norman Calender, Andrew Smith, Horace Cullum, John McFarland, Edward A. Reynolds, John P. Davis, and all and every person who shall hereinafter associate with them as hereinafter provided, be and they are hereby erected into one body politic and corporate, by the name, style and title of the Crawford County Mutual Insurance Company, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and to purchase, receive, hold and enjoy lands, tenements, hereditaments, goods and chattles, and choses in action, and the same from time to time to sell, demise, grant, alien or dispose of; and also to make and have a common seal, and the same to alter and renew at pleasure, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient to fulfil the objects of said corporation and the better government thereof, not being contrary to the constitution and laws of the United States and of this commonwealth, and generally to do all and singular the matters which may be lawfully done for the well being of said corporation, and the due management of the affairs thereof.

Board of directors.

Persons insured to be members.

Vote.

SECTION 3. The affairs of said company shall be managed by a board of directors, consisting of nine members, to be chosen annually by the said company, in Meadville, in such manner and at such time as may be prescribed by the by-laws of the company; and every person who shall insure with the said corporation, and also their heirs, executors, administrators and assigns, continually to be assigned as hereinafter provided, shall be members of said corporation during the period they shall remain insured, and every member shall be entitled to one vote for every five hundred dollars insured for him with said corporation; to the amount of five thousand dollars, at any election for directors or meeting of the company; and until the first election for directors of said company, the persons named in the first section of this act shall be the first directors.

Real Estate, how held.

When policies shall be issued.

SECTION 4. That said company shall not have authority to hold any real estate, except such as may be necessary for its use, in carrying on its business, and such as may be purchased bona fide for debts due, which shall be aliened by the company within five years next after every such purchase.

SECTION 5. No policy shall be issued by said company until application be made for insurance, for seventy-five thousand dollars at least.

SECTION 6. The said directors shall have power to elect or Officers to  
 appoint a president, secretary and treasurer, who shall severally give bond.  
 ly give bonds with surety, to the satisfaction of said board of  
 directors, or a majority of them, conditioned for the faithful  
 discharge of their trusts and duties. And the said board shall  
 procure a book or books, wherein shall be fairly and legally  
 entered all transactions and doings of the said board of directors,  
 and a copy or copies thereof attested by the president and  
 countersigned by the secretary, for the time being shall be  
 deemed and taken as legal evidence against the said corpora-  
 tion of the transactions or doings of said board of directors.

SECTION 7. The directors shall determine as nearly as Rates of in-  
 practicable, by their by-laws, the rates of insurance on the surance.  
 different classes of property, and the sum to be deposited for  
 any insurance; they shall also fix the sum to be insured.

SECTION 8. Every person who shall become a member of  
 said corporation by effecting insurance therein, shall before Policies.  
 he receives his policy, deposit his promissory judgment note  
 for such a sum of money as shall be determined by the di-  
 rectors, a part not exceeding ten per cent of said note shall be Payment of  
 immediately paid, and the remainder of said deposite note insurance by  
 shall be payable in part, or the whole at any time when the deposite notes  
 directors shall deem the same requisite for the payment of loss &c.  
 by fire, and such incidental expenses as shall be necessary for  
 transacting the business of said corporation; and at the ex-  
 piration of the time of insurance, the said note or such part of  
 the same as shall remain unpaid, after deducting all losses and  
 expenses during said term, shall be relinquished and given up  
 to the maker thereof; and it shall be lawful for said company  
 to loan such portion of their money on hand as shall not be  
 wanted immediately, for the purposes of said corporation, to  
 be secured by bond and mortgage on real estate of double the  
 value of the sum loaned, above all incumbrances, for a term  
 of time not exceeding two years, the interest to be paid half  
 yearly, and in default of such payment, the principal as well  
 as interest to become immediately due and collectable.

SECTION 9. And said company shall have a lien in the na- Liens.  
 ture of a judgment waiving the right of inquisition upon all  
 the said property of the insured, to the amount of his deposite  
 note, or so much thereof as may be unpaid which shall con-  
 tinue till the amount of such note with interest and cost of ex-  
 ecution, if any, shall have been paid or satisfied according to  
 the provisions of this act; *Provided*, Said company shall file Proviso.  
 in the office of the prothonotary of the county wherein such Name of in-  
 real estate shall lie, a memorandum of the name of the indi- surd, des-  
 vidual insured, a description of the property, the amount of cription of  
 deposite note unpaid, and the term for which the insurance property to be  
 shall continue; and the prothonotary with whom the same filled in Pro-  
 shall be filed is hereby required forthwith to enter the same at thonotary's  
 office.

large upon his judgment docket, and the same when so entered shall be deemed and taken to be in all respects as a judgment, entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as by virtue of the provisions of this act may be due and demandable, but the lien thereof shall commence with the filing of such memorandum in the office of the prothonotary; *Provided, further,* That such lien shall not be construed to take from such person insured, as aforesaid, the privileges of a freeholder.

2d Proviso.

Alienation of the property to make void the policy.

Proviso.

Alienee may have the policy confirmed

SECTION 10. When property insured by this corporation shall be alienated by sale, or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his deposit notes, with an order, signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as hereinbefore provided, to enter satisfaction thereon; *Provided,* That the assured shall first pay his proportion of losses and expenses; if any, which have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent within thirty days next after such alienations, and giving proper security to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act.

How loss or damage is to be settled and paid, &c.

SECTION 11. The directors shall, after receiving notice of any loss or damage by fire sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss, aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes with costs of suit, or may have execution for the whole amount, as

provided for in the sixth section of this act, and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand; after thirty days from the expiration of the term for which insurance was made.

SECTION 12. If the available funds on hand and the amount of deposite notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company shall receive towards making good their respective losses a proportionate dividend of the whole amount of said deposite, according to the sums to them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposite notes, but not exceeding one dollar on every hundred dollars to them respectively insured. No member shall be required to pay for any loss occasioned by fire at any one time more than one dollar on every hundred dollars insured in said company, in addition to his deposite, note, nor more than that amount for any such loss after his said note shall have been paid in and expended, but any member upon payment of the whole of his deposite note, and surrendering his policy before any subsequent expense or loss has occurred, may be discharged from said company.

If the available funds be insufficient, additional funds are to be raised to pay losses.

SECTION 13. No insurance shall be made by said company for a longer period than ten years.

Period of insurance.

SECTION 14. This act shall take effect immediately after its passage, and shall continue in force twenty years, but the legislature of this commonwealth may at any time alter, modify or annul its provisions.

Continuance of this act.

SECTION 15. That it shall be the duty of the several treasurer's of the counties of this commonwealth, to pay over to their respective successors in office, all monies paid to them for the redemption of unseated land sold for taxes, which may not have been called for by the purchasers, at treasurer's sale, or their legal representatives, during the continuance in office of such treasurer, and that the county auditors be, and they are hereby required to charge the monies so received to said treasurer, in the same manner that other money received by them is charged, and the same to be paid to said purchasers or their legal representatives when called for, by orders drawn by the commissioners of the county, upon the treasurer, as in other cases.

County treasurers to pay to their successors amount received for redemption of lands sold for taxes.

Duty of co's auditors

SECTION 16. That the title of the Southern Insurance company of Philadelphia shall, from the passage of this act, be known in law, by the name and style of the Southern Insurance and Trust company of Philadelphia.

Southern insurance co. of Phila. title changed.

Compensation to Jacob Eyster.

SECTION 17. That the State Treasurer be, and he is hereby authorized and required to pay to Jacob Eyster, late chief clerk in the Surveyor General's office, the sum of five hundred dollars, as a full compensation for his extra services, while in that situation.

Preamble.

WHEREAS by an article of agreement, made the eighteenth day of October, one thousand eight hundred and twenty-six, by William Carlisle, and Mary Carlisle his wife, with Robert Thompson, to sell and convey to the said Robert Thompson, their whole right, title, claim and interest in the real estate of Doctor Hugh Thompson, late of Peters township, Washington county, deceased, for the sum of ten dollars per acre, upon which the said Robert Thompson paid, as per the receipts of said William; endorsed on said agreement, on the day of the date of said article, two hundred and forty-five dollars, and on the day following fifty dollars: *And whereas*, it is represented that said William and Mary soon after died, without making a deed of conveyance to the said Robert Thompson, pursuant to said article of agreement: Therefore,

Administrator of Wm Carlisle dec'd to Robert Thompson.

SECTION 18. That the administrator of the said William Carlisle be, and is hereby authorized and required to make a deed, conveying to the said Robert Thompson, in fee simple, the real estate purchased by the said Robert Thompson, from the said William Carlisle and Mary his wife, by their article of agreement, dated the eighteenth day of October, one thousand eight hundred and twenty-six: *Provided*, That the said Robert Thompson shall pay, if the same is not already paid, the whole amount of the purchase money with the interest due thereon, to the said administrator, before the delivery of such deed, which money so to be paid, if any, the said administrator shall bring into the court of Common Pleas of Washington county, to be appropriate according to law, under the direction of the court: *And provided further*, That the said article of agreement shall be first proven, and entered of record in the office for recording of deeds, in the said county of Washington.

Proviso.

Purchase money and interest to be paid before delivery of deed.

2d proviso.

Title vested.

SECTION 19. That the deed made in pursuance of the eighteenth section of this act, shall vest the title to the lands thereby conveyed in the said Robert Thompson, as fully as if a deed had been duly executed and delivered to said Robert Thompson, by the said William Carlisle and Mary his wife, in their life time.

Attorney general to bring suit against Lawrence L. Minor.

SECTION 20. That the Attorney General, be and he is hereby authorized and directed to institute a suit, in the name of the commonwealth, against Lawrence L. Minor, late clerk of the Senate, in the court of Common Pleas of Dauphin county, to collect any balance or sum of money which is due from him, received on warrants drawn by the Speaker of the Senate, and not accounted for by the said Minor, and the Sheriff of the

county where the said Minor may reside, is hereby authorized and required to serve any writ or other process, which may be issued out of said court, touching or concerning said suit, and returning the said writ or process to the said court under oath.

SECTION 21. All other laws relative to the collection of said account of said Lawrence L. Minor, inconsistent with the provisions of this act, be and the same is hereby repealed.

Repeal of former laws.

SECTION 22. That the Auditor General of this commonwealth, be and he is hereby authorized and required, as soon after the passing of this act, as can conveniently be done, to make out and enter in suitable books, to be by him for that purpose procured for his office, entire and distinct accounts or statements of all the several expenditures or appropriations heretofore at any time made upon the several canals, rail roads and other public improvements of this commonwealth, in such manner and form as will best show the original cost, or the amount of monies expended in their original construction, upon each and every section or portion of said public improvements, separately and collectively, so that the sum will comprise a complete statement or account of all internal improvement expenditures, whether the same be by specific appropriation or otherwise; and also in the same manner, the several amounts expended for repairs upon all or any of said public works. And it shall also be the duty of said Auditor General, and he is hereby authorized and required to keep separate and distinct accounts in manner aforesaid, of all and every expenditure hereafter made upon any of the public works, and the internal improvement fund generally, distinguishing in all cases whether the same be by or from a specific appropriation or otherwise, for which purpose the sum of two thousand dollars is hereby specifically appropriated, or so much thereof as may be found necessary for that purpose; and the sum of eight hundred dollars per annum, from the passing of this act is also hereby appropriated for the employment of a competent clerk or clerks, in the improvement fund department of said office of the Auditor General, and the further sum of two hundred and fifty dollars, per annum, is also hereby appropriated for the contingent expenses of said office, the said annual sums to be paid on the settlement of accounts as in other cases.

Auditor General to keep separate ac'ts of exp'ditures &c. on public improvements

\$2,000 appropriated.

\$800 for clerk hire.

\$250 for contingent expenses.

SECTION 23. The Auditor General of this commonwealth, is hereby authorized and required to take all such legal measures as may be by him deemed expedient, to recover all monies due to the commonwealth from any and every person or persons or their sureties or legal representatives, as may be necessary, who shall or may appear upon a settlement of their accounts respectively, to be indebted to the commonwealth and for this purpose, and to enable him the better to enforce the collection of all or any of such claims, he is hereby authorized to em-

To recover monies due commonwealth.

To employ  
counsel.

ploy any attorney or counsel which he may deem necessary, who shall receive such compensation as may be reasonable and just, to be paid upon the settlement of the account of such attorney or counsel as in other cases.

Compensa-  
tion.

Mechanics  
liens limited  
to interest of  
persons in  
possession of  
property.

SECTION 24. That the lien created by the act entitled "An act relating to the lien of mechanics, and others upon buildings," passed the sixteenth day of June, one thousand eight hundred and thirty-six," shall not be construed to extend to any other or greater estate in the ground on which any building may be erected, than that of the person or persons in possession at the time of commencing the said building, and at whose instance the same is erected; nor shall any other or greater estate, than that above described, be sold by virtue of any execution authorized or directed in the said act.

Preamble.

WHEREAS, Edward Ritchey, of the county of Clinton, hath complained that by reason of the construction of the dam across the West Branch of the river Susquehanna, at Queen's Run, a slack-water has been formed above said dam—a distance of about seven miles—which is the receptacle of large bodies of ice, which causes the water to overflow the farms situate along the pool of the dam. That the farm of the said Ritchey was overflowed and laid waste, in consequence of the erection of the said dam. That his grain in the ground, his dwelling house with its contents, his barn with its contents, his sheep and hogs drowned, his fences entirely swept away, and many other material injuries sustained by him, for which he claims remuneration from the commonwealth.

Therefore,

Canal com-  
missioners to  
examine claim  
of E Ritchey.

SECTION 25. That the Canal Commissioners be and they are hereby authorized and required to inquire into the truth of the allegations aforesaid; and if the said allegations are sustained, the said commissioners are hereby authorized to pay to the said Edward Ritchey the amount of damages which he may have thus sustained, out of any moneys appropriated for the payment of damages on the Sinnemahoning extension of the West Branch Canal.

WM. HOPKINS,

*Speaker of the House of Representatives.*

EBEN'R. KINGSBURY, Jr.

*Speaker of the Senate.*

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

DAVID R. PORTER.