

LAWS

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

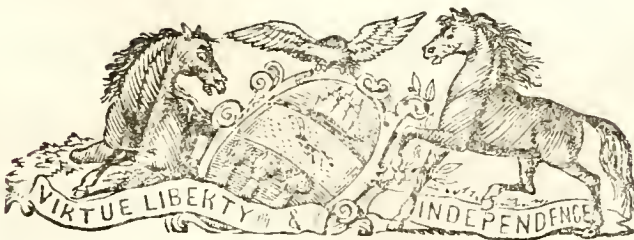
STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1855,

IN THE

SEVENTY-NINTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1855.

No. 490.

AN ACT

Exempting Coal and Lumber from the Tonnage Tax.

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 several acts imposing a tax upon tonnage passing over the Pennsylvania railroad, and the Harrisburg, Lancaster and Mount Joy railroad, shall not hereafter apply to lumber or coal: *Provided,* That said companies shall make a permanent deduction from their rates of charges on said articles below their schedule rates, for goods now or hereafter to be embraced in the same class, equal to or greater than said tax: *And provided further,* That the legislature reserves the right to repeal this act at any time, and to re-enact the several acts hereby repealed.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The seventh day of May, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.

No. 491.

A SUPPLEMENT

To the act, entitled “An Act authorizing the Governor to incorporate the Pittston Water Company.”

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 case the Pittston water company shall from want of means be unable to carry on the said works to completion, according to the intent and meaning of the act of incorporation, then it shall and may be lawful for the said company to borrow of the Pennsylvania coal company, or others, any sum or sums of money not exceeding in the whole twenty-five thousand dollars, for such time or times and rates of interest, or conditions, as may be agreed upon, and secure the same by judgment or mortgage on the land, works, property and franchises of the said com-
May borrow money.

pany, which judgment or judgments, mortgage or mortgages, as the case may be, when duly executed and delivered, is hereby declared to be a good and valid lien thereon, to all intents and purposes; and in case of sale of said land, works, property and franchises, by virtue of said lien or liens, or otherwise, the purchaser or purchasers shall become vested with all the rights, privileges, franchises and powers granted to said company.

Borough of Pitts-
ton may purchase
water works.

SECTION 2. That in case of a sale of said works, property and franchises of said company, on account of said indebtedness, by virtue of said judgments or mortgages, it shall and may be lawful for the borough of Pittston, through the burgess and town council, to purchase the same, or at any time thereafter, by paying to the owner or owners of said property and franchises, the amount for which the same was so sold, together with the cost of completing or maintaining the said works, or both, with ten per centum interest thereon, deducting therefrom such dividends as the proceeds of such works have afforded to said owners, may become the owners of said property, franchises and powers vested therewith: *Provided*, That said town council and burgess shall have been previously empowered to make such purchase by a two-thirds majority of the owners of real estate in said borough; said majority to be ascertained by a public election, to be held after thirty days' notice being given in the newspapers in the borough.

Provide

Management of
works after such
purchase.

SECTION 3. That in case of such purchase by the borough of Pittston, the affairs of said water company shall be conducted by a board of managers and officers, elected at an election to be held annually (after three weeks' notice having been given thereof in the public newspapers of the said borough,) by the real estate owners of said borough; said managers and officers to be governed by and in all respects subject to the provisions of said act of incorporation; said board of managers to consist of the same number, to be vested with the same power, and subject in every way to the same responsibility as that elected by the stockholders of said water company, in accordance with the provisions of the act to which this is a supplement: *Provided*, That no manager or officer thereof be elected except he reside within the county and be an owner of real estate in the borough.

Provide.

Penalty for wast-
ing water, &c.

SECTION 4. That if any person or persons, or body politic, who shall have contracted with the said company for the use of said water, shall wantonly and unnecessarily waste the same, to the injury of the said company, or shall permit any other person or persons not being by the said contract entitled to the use thereof, to make use of the same, or shall neglect or fail to pay to the said company, or their duly authorized agent, the amount by him, her or them agreed upon to be paid as a compensation for the said water, for the period of ten days after the same shall be due and payable according to the terms of said contract, it shall be lawful for the said president and managers to withhold and cut off such water from the premises of such individual or body politic and corporate, until all such damages, with interest and costs of recovering the same, shall be fully paid: *Provided*, That nothing herein contained be so construed as to affect, impair, or take away the right of the said company to sue for the recovery of the amount of such arrearages and damages.

Provide.

Special contracts.

SECTION 5. That no manufacturing, mining, or railroad company shall have any claims or demands upon the said Pittston water company, for a supply of water, unless the same shall be

specially contracted for between the proper authorities or agents of such manufacturing, mining, or railroad companies and the president and managers of the Pittston water company, or their duly authorized agent.

SECTION 6. That as much of the act, entitled "An Act to authorize the governor to incorporate the Pittston water company," as conflicts with the foregoing sections, be and the same is hereby repealed. Repeal.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The seventh day of May, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.

No. 492.

AN ACT

Relative to the property of Rebecca Dunwidde, deceased.

WHEREAS, Rebecca Dunwidde, late an illegitimate child of Catharine Holmes, of Westmoreland county, deceased, died intestate, whereby certain personal or real estate may have escheated to the commonwealth:

And whereas, The said mother, Catharine Holmes, is desirous of obtaining said estate so escheated; therefore,

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 all the right, title and claim which the commonwealth may have acquired or now has, by any escheat or supposed escheat, for the want of heirs, in and to any estate of which Rebecca Dunwidde, an illegitimate child, deceased, was, at the time of her death, possessed or to which she was entitled, be and the same is hereby granted to and vested in Catharine Dunwidde, of Westmoreland county, the surviving mother of said deceased, said real and personal estate not exceeding in amount the sum of three hundred dollars.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The seventh day of May, Anno Domini one thousand eight hundred and fifty-five:

JAS. POLLOCK.