

Pennsylvania. Laws, statutes, &c.

# LAWS

OF THE

## GENERAL ASSEMBLY

OF THE

# COMMONWEALTH OF PENNSYLVANIA.

PASSED AT THE SESSION OF 1837-38.

IN THE

SIXTY-SECOND YEAR OF INDEPENDENCE.



**PUBLISHED BY AUTHORITY.**

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**1838.**

had been regularly appointed and commissioned by the Governor of this commonwealth.

**SECTION 29.** That from and after the first day of May next, Churches &c all churches, meeting houses or other regular places of stated colleges, &c. religious worship, with the grounds thereto annexed for the court houses occupancy and better enjoyment of the same, all burial & jails, &c. grounds belonging to any religious congregation, all univer- exempted sities, colleges, academies and school houses belonging to from taxa- any county, borough or school district, or incorporated, tion. erected, endowed or established, by virtue of any law of this commonwealth, with the grounds thereto annexed, all court houses and jails be, and the same are hereby exempted from all and every county, road, city, borough, poor and school tax and all taxes heretofore assessed on any such property, shall not hereafter be collected, but the respective officers charged with the collection thereof shall and are hereby exonerated from the collection and paying over of the same.

**LEWIS DEWART,**

Speaker of the House of Representatives.

**CHARLES B. PENROSE,**

Speaker of the Senate.

**APPROVED**—The sixteenth day of April, one thousand eight hundred and thirty-eight.

**JOS. RITNER.**

No. 90.

### An Act

To incorporate the Luthersburg and Punxatawny Turnpike Road company, 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 for the purpose of making a turnpike road from the town of Punxatawny, in the county of Jefferson, to the town of Luthersburg, in Clearfield county, Lebeous Luther, John Jordan, Benjamin Bonsall, David Irvin, Jacob Flick, Benjamin Carson, David Hoover, David Henney and Jeremiah Miles, of the county of Clearfield, William Campbell, Charles R. Barclay, Charles C. Gaskill, James Winslow, James W. Bell and John Hoover, (miller) of the county of Jefferson, are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned,

Commission-  
ers.

diminish the supply of water to the said city or districts, or if the canal in any manner injure the same, or if the said company be injurious shall violate any of the provisions of this act, or if the privileges hereby granted shall be found to be injurious to the public, the legislature reserves the right to revoke, alter or amend the charter hereby granted, at any time they may think proper.

SECTION 48. That the twenty-fourth section of the act entitled "An act to enable the Governor of this commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Delaware and Schuylkill, through the southern section of Philadelphia county, passed twelfth day of April, one thousand eight hundred and twenty-eight, which authorizes the state to purchase said canal at the expiration of twenty-five years after the passage of said act, be and the same is hereby repealed.

SECTION 49. That Charles S. Williams, John White, F. B. Nichols, Chas. S. Baker, Robert Colum and their associates, be and they are hereby incorporated under the name and style and title of the Schuylkill Steam Tow-boat company, with the same powers and privileges, and subject to the same restrictions as are contained in "An act to incorporate the Philadelphia Steam Tow-boat company," passed the seventh day of April, one thousand eight hundred and thirty-two, and its supplements; the annual election to be held on the first Monday of May, in the city of Philadelphia, and five directors to be elected.

SECTION 50. That the president, managers and company of the Mercer and Meadville Turnpike road, and the president, managers and company of the Susquehanna and Washington Turnpike road, be, and they are hereby authorized to open their respective roads to the width of one hundred feet through marshy places, so as to let the light and air upon the same: *Provided*, That all damages occasioned thereby shall be adjusted and paid in the manner prescribed by their respective charters.

SECTION 51. That Michael Doudel, Jonathan Jesup, Calvin Mason, John Evans, Thomas Kelly, Israel Gardner, John Stahley, Jacob Barnitz and Christian Buchanan, Wm. Patterson, Jacob Deitz, Luke Rouss, T. N. Haller, James Webb, David Buehler, Jacob Smyser, John Schlosser, Samuel C. Bonham, Jacob Hay and Andrew Duncan, or any three of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned, that is to say; they shall, on or before the first day of June next, procure a book and enter therein as follows: We, the subscribers, promise to pay to the president and managers

The 24th sec. of act of 12th April, 1828, rel. to Delaware & Schuyl. canal repealed.

Schuylkill Steam Tow-boat Co. incorporated.

Certain turnpike companies authorized to widen their roads. *Provided*.

York Boro' Water Co. Commiss'rs.

To procure books, Form of subscription.

of the York Borough Water company, the sum of twenty dollars for every share set opposite to our names, in such manner, in such proportions, and at such times as shall be determined by said president and managers, in pursuance of the powers vested in them by their charter and the acts of assembly by which they were incorporated; witness our hands and seals the            day of            eighteen hundred and thirty-eight; and shall thereupon give notice, in two or more newspapers in the borough of York, during two successive weeks, of the time and place in said borough when and where they will attend to receive subscription for stock in said company, at which time and place said commissioners, or a majority of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, for shares in said stock, and the said book or books shall be kept open for the purposes aforesaid at least six hours in each juridical day for the space of three days, or until there shall have been subscribed a sufficient number of shares to complete the work: *Provided*, That no person be permitted to subscribe for more than five shares on the first day, and not more than ten on the second day, after which any person may subscribe for any number of shares until the whole of the stock is taken: *Provided*, That no subscription shall be valid unless the person so subscribing shall pay to the said commissioners one dollar on each share so subscribed, which, after deducting the expenses of taking the subscriptions and other incidental expenses, the commissioners shall pay over to the treasurer of the company when it shall have been organized: *And provided further*, That the corporation of the borough of York shall not be authorized to subscribe, in their corporate capacity, for any shares in said company, until at least six hundred shares shall have been subscribed for by individuals, and shall not then be authorized to subscribe for said stock until a majority of the taxable inhabitants of said borough shall have requested them in writing so to do, nor shall the said corporation be authorized to purchase any of said stock which may have been subscribed for by individuals, unless authorized as before directed.

Who may  
subscribe.

Proviso.

2d Proviso.

3d Proviso.

Letters pa-  
tent.

SECTION 52. That when five hundred shares shall have been subscribed, the commissioners shall certify the same, with the names of the subscribers, under the hands and seals of the commissioners, to the Governor, who thereupon shall, under his hand and the seal of the state, create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in

deed and in law, by the name, style and title of the York Name, style  
 Porough Water company, by which the said company shall and title.  
 have power of perpetual succession, and all the privileges and  
 franchises incidental to a corporation, and shall be able and Privileges.  
 capable of taking and holding the capital stock, and the  
 increase and profits thereof, and of enlarging the same and  
 increasing it by new subscriptions, if found necessary to  
 fulfil the intention of this act, and of purchasing, holding,  
 selling and transferring, in fee simple or for any less estate,  
 such lands, tenements and hereditaments, real or personal,  
 as shall be necessary in the prosecution of the works, and  
 of suing and being sued, and of doing any and every matter  
 and thing which a corporation may lawfully do.

SECTION 53. That any three or more of the commission- First elec-  
 ers, as aforesaid, may and shall, as soon as conveniently tion of offi-  
 may be after the letters patent have been issued by the Go- cers.  
 vernor, give at least ten days notice in two of the public  
 papers published in the borough of York, of the time and  
 place of holding an election for officers of the company, to  
 serve from that time until the next annual election of the  
 burgesses and other officers of the borough of York; and the  
 officers of the said corporation shall be ten managers, who  
 shall out of their number elect a president, and shall also  
 appoint a secretary, treasurer and such officers and agents as  
 they may from time to time deem necessary.

SECTION 54. That whenever the burgesses and assistant Annual elec-  
 burgesses shall hold, for the citizens, as aforesaid, one or tion.  
 more tenth parts of the whole stock of the said company,  
 they shall certify the same to the citizens of the borough,  
 who shall at the time, place and in the same manner as they  
 elect the burgesses, elect annually as many managers of the  
 water company, aforesaid, as the burgesses shall have sub-  
 scribed or purchased tenth parts of the whole stock of the  
 said company; the balance of the ten managers not elected  
 by the citizens, as aforesaid, shall be elected, annually, by  
 the individual stockholders, by ballot, on the same day that  
 the election for burgesses and other officers shall take place  
 for the borough of York: *Provided*, That if the day of elec- *Proviso*.  
 tion for the first managers do not come on the day of electing  
 burgesses, &c.; for the borough, the commissioners shall  
 hold an election of the citizens of the borough of York for as  
 many managers as the burgesses shall have subscribed tenth  
 parts of the stock subscribed, which managers so elected  
 shall serve until the next annual election of burgesses and  
 managers: *And provided also*, That each stockholder shall *2d Proviso*.  
 be entitled to one vote for each of the first two shares he  
 may own, one vote for each of the next four shares above

two and not exceeding ten, one for each of the ten shares and not exceeding thirty, one for each of the twenty shares above thirty and not exceeding fifty, but no votes for any shares exceeding fifty.

**Stock of York Water Co. may be vested in York Borough Co** SECTION 55. That the managers of the York Borough Water company shall have power to treat with the York Water company, and to admit that company to vest in the York Borough Water company the stock of the said York Water company, on such equitable terms as they may deem for the interest of the York Borough Water company: *Provided*, It be done within one year from the time of the charter of the York Borough Water company, taking effect by the election of the first managers thereof.

**By-laws.** SECTION 56. That the president and managers, or any five of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well being of the company, to call special meetings of the stockholders whenever they shall deem it necessary to consult them: *Provided*, That no by-laws, rules or regulations contravene the constitution and laws of this commonwealth.

**Seal.** SECTION 57. That the president and managers shall have power to procure, and shall procure a common seal, by which the certificates of stock shall be authenticated, which certificates of stock shall be transferable either in person or by power of attorney, attested by two witnesses, subject however to all dues and payments due or to become due thereon.

**Of transfer.** SECTION 58. That the managers shall meet at stated times, or by adjournment, or by a call of any two or more of the managers, and six managers, including the president, shall have power to transact all business of the board, and generally to transact and do all such matters and things as by this act or their by-laws, rules and regulations they shall be authorized to do: *Provided*, That, if practicable, all the managers have notice of the time and place of the meeting of the board.

**Meetings.**

**Quorum.**

**Proviso.**

**Powers of the managers.** SECTION 59. That the managers aforesaid shall have power, and it shall be their duty, as soon as practicable after the organization of the company aforesaid, to proceed to bring into the borough of York an abundant supply of water from such spring or springs, stream or streams as they may select, not now owned by the York Water company, and shall have power, for that purpose, to force water, if necessary, by water or steam power into a reservoir or reservoirs which they may construct for its reception, and to bring the same in trunks or pipes through or across any field or enclosure, along any road or highway, and through any of the streets and alleys of the borough of York, or of Buttstown and Freystown, and

shall at all times have liberty and power to repair or re-construct such trunks, pipes, reservoirs or works necessary to carrying into effect the object of this law.

SECTION 60. That the managers aforesaid shall, in such streets and alleys in the borough of York, and in Buttstown and Freystown, as they shall have laid pipes, cause hydrants or fire plugs to be erected, to be used for the purpose of extinguishing fires, and shall have liberty to supply or to suffer individuals to be supplied with water for domestic and manufacturing purposes, for such compensation as shall be agreed upon by the company and such individuals, according to uniform rates to be adopted by the managers, having regard to the quantity of water to be used. Hydrants for extinguish'g fires, &c.  
Compensat'n for water.

SECTION 61. That the president and managers shall have the power of calling in the capital stock subscribed, by instalments as they deem advisable, and to collect the same by suit, after giving thirty days notice in two or more of the newspapers in the borough of York; and after the debts of the company shall have been paid, they shall, by the president declare a half yearly dividend on the stock paid in, on the first Mondays of January and July, publishing the time and place of paying the same, and causing the same to be paid accordingly. Instalments may be collected by suit.  
Dividends.

SECTION 62. That any person who shall wilfully destroy or injure the works, pipes, reservoirs, cisterns or hydrants of the company, or shall wilfully corrupt or render unwholesome the water brought or conveyed into the borough of York, Buttstown or Freystown, by the company, or the stream or streams, spring or springs from which the same is brought, shall be deemed guilty of malicious mischief, and be liable, and also liable to the company, for damages sustained by such injury. Penalty for injuring the work.

SECTION 63. That if the company shall not proceed to commence and carry on the work hereby authorized to be done within three years from the time of the passing of this act, and do not within five years thereafter have brought the water within the limits of the borough, then, in either case, all and singular the rights and liberties hereby granted, or hereby intended to be granted to the company shall revert to the commonwealth. Time for commencing and completing the works.

SECTION 64. That the said company shall not have power to issue any note or notes in the nature of bank notes, or to be endorsers on any note or notes, or to use or exercise any banking privilege whatever, and in case they at any time act contrary to the provisions of this section their charter privileges shall be null and void. Banking prohibited.

Damages.

Proviso.

SECTION 65. That whenever, by application to the court of Common Pleas of York county, any individual or individuals complain and allege that he, she or they have sustained injury by such water being taken from or across their land or enclosures, it shall be lawful for the said court, and the said court is hereby directed to appoint three discreet individual citizens of the county of York, not interested in the question to be decided, who after viewing the premises and hearing the parties, their proofs and allegations, shall award such damages, under oath, as they may deem just and equitable: *Provided*, That from such award either the party complaining or the company may appeal as from the award of arbitrators, under the act of assembly, passed the twentieth day of March, eighteen hundred and ten.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.

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 No. 91.
**An Act**

Supplementary to the resolution relative to the claim of Brown and Sawyers, passed the thirty-first of March, one thousand eight hundred and thirty-six, & for other purposes.

Brown and  
Sawyers'  
claim to be  
examined &  
settled.

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 words in said act, "under their contract," shall not be so construed or understood as to confine the Canal Commissioners to a strict and exclusive regard to the contract, but the same is meant and intended to be one of the items of evidence to guide them to a proper and just conclusion, and that the Canal Commissioners, as soon after the passage of this act as is convenient, shall proceed to examine the claim of Brown and Sawyers, and if, in their opinion, there was any thing in the character of the work which the contractors had no reason to expect, or if the said contractors have suffered any injustice through mistake in measure