

William M. Darlington

**L A W S**

Pennsylvania. Laws, statutes, etc. 717-55

OF THE

**GENERAL ASSEMBLY**

OF THE

**Commonwealth of Pennsylvania,**

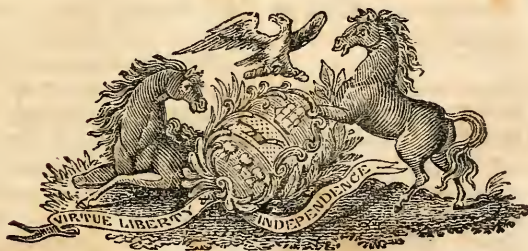
PASSED AT THE SESSION OF 1840,

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.



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PUBLISHED BY AUTHORITY.

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1840.

Right to annul. alter or annul the charter hereby granted, whenever it may be thought expedient,

SECTION 8. That a certain deed of conveyance made and executed by William H. Jones and Jane W. his wife, of Somerset county, in the state of Maryland, to Margaret W. Johnston of the same place, bearing date the thirtieth day of March, one thousand eight hundred and thirty-seven, by the said Deed executed by W. H. Jones & Jane W. his wife to Margaret W. Johnson acknowledgment of validated. grantors, acknowledged before William H. Curtis and Theodore G. Dashiell, two Justices of the Peace of the state of Maryland, for Somerset county, aforesaid, by whom such acknowledgment is certified, and which deed is recorded in the office for recording of deeds in the city and county of Philadelphia, in deed book, G. S., number one, page five, and so forth, shall be deemed and adjudged to be as good and valid in law for the purpose of granting, conveying, and assuring the hereditaments and premises therein mentioned, situate on the north side of Mulberry street, between Delaware sixth and seventh streets, in the city of Philadelphia, with the appurtenances; and the record thereof shall be of the same effect as if the acknowledgement of the same deed had been in the same way, manner and form taken and certified by and before any Judge, Alderman, or Justice of the Peace, of and within this commonwealth.

WM. HOPKINS,

*Speaker of the House of Representatives.*

W. T. ROGERS,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 135.]

## A FURTHER SUPPLEMENT

To the act entitled "An act authorizing the Governor to incorporate the York Water company," passed the eighth day of February, one thousand eight hundred and sixteen.

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 addition to the authority given to "The York Water company," the president and managers thereof, are hereby authorized and empowered to proceed to

bring into the borough of York, such additional supply of water as they shall deem sufficient, from such spring or springs, stream or streams as they may select, 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 may also bore for water, or contract with individuals or other companies to bore for water, and to bring such water 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 and Freystown, and shall at all times have liberty and power to repair or re-construct such pipes, trunks, reservoirs or other works, and to occupy lands necessary to carry into effect the objects of this law, and may augment their capital by selling additional shares of stock, or may borrow money for the purposes herein mentioned.

Company to procure additional supply of water.

Powers.

SECTION 2. That the president and managers aforesaid, with their engineer and agents, may enter upon any lands for the purpose of examining the best course for conducting the water, and selecting the ground for additional reservoir or reservoirs, doing the least possible damage to the owners, but shall not break ground or commence the construction of any of said works, without the consent of the owner or owners of any land intended to be occupied, until the value of the land so intended to be occupied, as well for the erection of additional reservoir or reservoirs to said company's present works, as for new works and additional springs or streams, shall first have been ascertained or estimated, and the amount paid or tendered agreeably to the provisions hereinafter contained.

Power to examine and select ground.

Owners of lands compensated.

SECTION 3. That whenever it shall be necessary for the said president, managers, and company, to enter upon and occupy any lands, spring or springs, or water courses, for the purpose of erecting additional reservoir or reservoirs for their present works, and for erecting new works, to convey water from additional springs or streams, and occupying the same, if the owner or owners of such land, spring or springs, or water courses, shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done by such entry or occupation, or if such owner or owners thereof shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of Common Pleas of York county, on application of the said president and managers, or of the owner or owners of such lands, and the said court is hereby directed to appoint three discreet 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, if any shall be offered, shall on

Proceedings when parties cannot agree upon compensation.

Viewers.

oath or affirmation estimate the value of such land to be occupied, and the injury or damage, (if any,) that in their opinion will be sustained by the owners of such lands, springs, or water courses, and report the same to the said court, which report being confirmed by the court, judgment shall be entered thereon, and the viewers shall be entitled to like fees for their services as are allowed by law to the viewers of public roads and highways, to be paid by the said water company: *Provided*, That from such award either party may appeal as from the sixteenth day of June one thousand eight hundred and thirty-six: *Provided further*, That upon payment or tender of payment by the said company, the sum specified in the report of said viewers or appraisers, the president and managers of said water company, with their agents and workmen, may immediately take and use such lands, springs, or water courses, without awaiting the issue of such appeal, subject to the payment of balance on either side, according to the final termination of the case, and on the payment of the amount of such award of the said appraisers, or in case of the appeal of the balance, according to the final termination of such case, the said company and all who act under them, shall be acquitted, and freed from all responsibility for and on account of such injury.

Fees.

Proviso.

After tender made may construct.

Hydrants.

SECTION 4. That in all cases where the said company shall extend their trunks in such streets of said borough, not heretofore supplied, they shall erect public hydrants, and in supplying individuals with water be governed in all respects, according to the eighth section of the act to which this is a supplement.

WM. HOPKINS,

*Speaker of the House of Representatives,*

W. T. ROGERS,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty,

DAVID R. PORTER.