

L A W S

2002-46

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

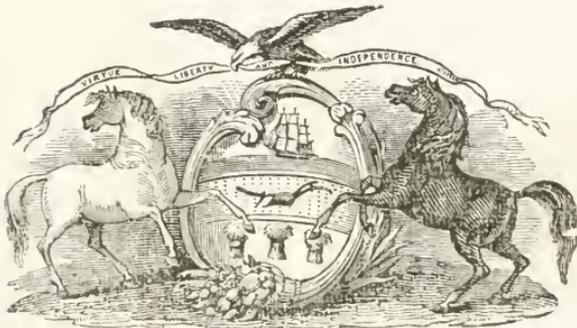
PASSED AT THE

SESSION OF 1853,

IN THE

SEVENTY-SEVENTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:
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1853.

all the share, part, portion and interest, being the one undivided third part of the real estate late of Robert Hamil, deceased, consisting of two lots, having a brick house thereon, and also one vacant half lot, situate in the town of Blairsville, Indiana county, and also about ten acres of out-lots, adjoining said town of Blairsville, and to receive the purchase money therefor, and to make, execute, acknowledge, and deliver a good and sufficient deed or deeds therefor to the purchaser or purchasers in fee simple: *Provided*, That before the said Daniel H. Royer shall make and execute any such deed or deeds, he shall give good and sufficient security, to be approved of by the orphans' court of Indiana county, for the faithful and proper application of the money arising therefrom: *And provided further*, That before any conveyance shall be executed, the said sale or sales shall be approved of by said court.

Daniel H. Royer
authorized to
sell real estate.

Proviso.

Proviso.

SECTION 8. That the East Liberty and Penn Township Plank Road company shall have full power and authority to increase the width of part of said plank road ten feet, commencing at the western line of Jane Finley's land, in Collins township, and running westward to the point where it intersects the Greensburg and Pittsburg turnpike, and the width of the said plank road shall be fifty feet for that distance.

E. Liberty and
Penn tp., plank
road co., autho-
rized to widen
road.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 396.

AN ACT

To incorporate the Williamsport Water company; relative to the Lock Haven and Tyrone Railroad company; and to steam navigation on the West Branch of the Susquehanna river.

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 W. Maynard, James Armstrong, Samuel H. Lloyd, John S. Grafius, William H. Armstrong, George White, E. S. Lowe, W. F. Packer, Matthias Eder, Abraham Updegraff, Oliver Watson, C. H. Dabler, T. W. Lloyd, J. J. Ayres, J. B. Beck, and J. M. Green, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of July, one thousand eight hundred and fifty-three, procure one or more books, and enter therein as follows: "We whose names are

Commissioners.

When to open
books for sub-
scriptions of
stock.

hereunto subscribed, promise to pay to the president, managers and company of the Williamsport Water company, the sum of twenty-five dollars for each and every share of stock in said company set opposite to our respective names, in such manner, and in such proportions, and at such times and places, as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly to enable the Governor to incorporate a company for the purpose of introducing into the borough of Williamsport a sufficient supply of fresh and pure water, and shall thereupon give public notice in two public newspapers printed in the county of Lycoming, two weeks at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which times and places some one or more of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name or names of any other person, if they be authorized so to do, for any number of shares in the said stock, and the said books may be kept open until the said books shall have one thousand shares of stock subscribed therein: *Provided always*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall before he shall be permitted to subscribe, pay to the attending commissioner or commissioners the sum of one dollar for each and every share of stock to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Proviso.

When letters patent shall be issued.

Style.

Powers and privileges.

Proviso.

SECTION 2. That when ten or more persons shall have subscribed one hundred shares of said stock, the commissioners aforesaid, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and seal of the State, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of "The Williamsport Water company," and the said company shall have full power and authority to erect and construct all such water works as shall be deemed by said company necessary for the purpose of introducing into the borough of Williamsport a sufficient supply of fresh and pure water, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and they are hereby authorized and empowered to enter upon, take and hold, for the purposes of this act, to them and their successors and assigns, in fee simple or for any less estate, so much of the waters of any stream within three miles of said borough, or any lands, tenements or hereditaments, to which the water of said stream may be appurtenant, or any real or personal estate or property which shall be necessary to them in the prosecution of their works: *Provided*, That the same shall not exceed twenty-five acres, making compensation for the same as is hereinafter provided, with full power the same or any part or parts thereof to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber, and demise and dispose of at their will and pleasure, and of

suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the said commissioners, or a majority of them, as soon as conveniently may be after the said letters patent shall be obtained, shall give notice in two newspapers in Lyeoming county, of the time and place by them to be appointed, not less than ten days from the publication of the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall elect by a majority of votes of the said subscribers, one president, seven managers, one treasurer, and such other officers as they shall think necessary to conduct the affairs of the said company until the first Monday of April then next ensuing, on which day, and annually thereafter on said day, the said company shall hold their elections for officers, and the said company when so organized, shall have power to make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of the constitution and laws of this State, as shall be necessary for the well ordering of the affairs of said company, and to procure for said company a common seal, and the same to break, alter and renew, as often as the said company shall think proper: *Provided*, The said subscribers may vote by ballot, to be delivered in person, and every stockholder shall be entitled to one vote for every share of stock held in his own right at any election for officers.

Notice to be given of organization, and election of officers.

By-laws.

Proviso.

SECTION 4. That it shall and may be lawful for said president and managers, five of whom shall for all purposes be a quorum, to agree with and appoint such engineers, superintendents, artists and other persons, as they may think necessary, to survey, locate and construct the said water works, to fix and determine the uniform rates of prices to be paid to the said company for the use of said water, and to collect the same, as debts of like amount are by law collected, and declare a dividend semi-annually, at such times as they shall deem proper, of the profits and income thereof, among all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay and for the rebuilding and repairing the said water-works, and they shall give notice of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly, and to fix the compensation of their agents, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

Duties of president and managers.

SECTION 5. That the said company are hereby authorized and empowered, for the purpose of carrying into full effect the objects of this act, to borrow any sum or sums of money not exceeding five thousand dollars, in the name and upon the faith, credit and responsibility of said company, and to pay the interest and redeem the principal, at such time and in such a manner as may be conformable to the terms upon which the same may be taken.

May borrow money.

SECTION 6. That the said company are hereby authorized to provide, erect and maintain all works and machinery or engines necessary or proper for raising and introducing into the said borough a sufficient supply of fresh and pure water, and to provide, erect and maintain all proper cisterns and reservoirs for the reception of the waters they may so introduce, and for this purpose they are hereby authorized and empowered, by themselves, their agents, artizans, engineers and workmen, with their tools, instruments, carts, wagons and other carriages, and

Company, authority to erect works, &c.

beasts of burden or draught, from time to time, and at all times hereafter, to enter into such lands and enclosures, and public and private roads or highways as may be necessary, and through the streets, lanes or alleys of the borough of Williamsport, and to occupy, dig, ditch, and lay pipes through the same, and the same to raise, alter and repair, doing as little damage to private property as possible, and making compensation to the owner or owners thereof, in the manner hereafter provided.

May enter upon lands and take materials.

SECTION 7. That the said company, their superintendents, engineers and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of burden or draught, may enter upon the lands contiguous to the dam or dams, works, cisterns, or reservoirs, they may erect on the route upon which they may lay their pipes, first giving notice to the owner or owners thereof, and from thence take and carry away stone, earth, sand or other materials, necessary to the construction of the said dam or dams, works, cisterns and reservoirs, or to the proper laying down of the said pipes, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof, in the manner hereinafter provided.

Damages how settled.

SECTION 8. That if the parties cannot agree upon the compensation, if any, to be made to the owner or owners of such lands, enclosures, public or private roads or highways, as may be used for said water works, or to any person or persons who may be injured by the construction of said works, or diversion of the waters that may be used by the said company for the purpose aforesaid, it shall and may be lawful, after the surveys and location for said works are determined, and before entering on said lands for the purpose of erecting and constructing said works, or of diverting the waters that may be used by said company, for the court of common pleas of Lycoming county, on the application of either party, to appoint five disinterested free-holders of said county as arbitrators, who shall appoint a time and place of meeting, and shall give at least ten days notice to the parties of the same, and being first duly sworn, they shall hear the parties, their proofs and allegations, and shall as soon as may be, ascertain and report what damages, if any, the erection of the said works, or the diversion of the said waters, may be to the owner or owners thereof, whose award shall be entered of record in said court, from which either party may appeal to the said court, in the same manner as from an award of arbitrators entered under the compulsory arbitration law, and said appeal when duly entered, shall thereafter be prosecuted in the said court as if the same had been an original action brought therein.

Company may lay pipes, fix prices, &c.

SECTION 9. That the said company shall have full power and authority to enable them to convey the said water through the borough of Williamsport, in all directions, and to fix hydrants or fire plugs where-soever they may deem proper, and to fix and determine the uniform rates of prices to be paid by the citizens and others for the use of said water, and to protect the water works, cisterns, reservoirs, pipes, plugs and hydrants, from damage or destruction, and generally to do all things requisite and necessary for carrying into full and perfect effect the object contemplated by this act.

Abuses or injuries to water-works, penalty for.

SECTION 10. That if any person or persons shall wilfully take, lead, conduct or carry off, or shall knowingly suffer or permit to be taken, led, conducted, or carried off, any offal, or any putrid, noxious or offensive matter, from any dye-house, still-house, brew-house, or tan-yard,

or from any manufactory whatever, into the dam or dams that may be purchased or erected by the said company for the purpose of introducing water into the said borough, or shall throw, cast, or wilfully suffer to fall into the dam or head race of the water works, or into any reservoir or reservoirs to be erected by the said company, any dead animal, or any putrid or corrupt thing whatsoever, or any noxious or offensive matter of any kind, or shall go in to swim or bathe in the said dam, race, or reservoir or reservoirs, or shall entice, throw, lead, or conduct any animal therein, or shall cut, deface, mutilate, or otherwise injure any part of the buildings, machinery or work, that may be erected or purchased by the said company, or shall obstruct or impair in any manner the free flow of said water, in pursuance of the powers given by this act, every such person or persons so offending, shall forfeit and pay a sum not less than five nor more than fifty dollars, at the discretion of the magistrate, to be recovered with costs of suit, in the same manner as debts under one hundred dollars are by law recoverable, by any person that shall sue for the same, before any justice of the peace of Lyeoming county, one-half to the use of the plaintiff, and the other to the use of said company, and if any person or persons so offending against the provisions of this section, shall neglect or refuse to pay the amount for which judgment may be as aforesaid rendered against him, and no goods or chattels can be found whereof to levy the same by execution, then every person or persons so offending shall be committed to the jail of the county of Lyeoming, for any period of time not less than five nor more than sixty days, according to the direction of the justice rendering the said judgment.

SECTION 11. That nothing in this act shall be taken to prevent the Steam power. use of steam power in introducing water into the said borough of Williamsport: *Provided*, That the same shall be deemed by said company *Proviso*. preferable to water power.

SECTION 12. That the Lock Haven and Tyrone Railroad company be and they are hereby authorized to extend their road from Lock Lock Haven and Tyrone railroad company may extend road and make connections. Haven, and make such connections as they may deem expedient, with any railroad now authorized, or that may hereafter be authorized, in, to or along the valley of the West Branch of the Susquehanna, and also to make a lateral or branch railroad from any point on said road, at or near Howardsville, to any point in Brush or Penn's valley, in Centre county, or Sugar Valley, in Clinton county.

SECTION 13. That Jabez Stone, of the State of Pennsylvania, shall have the right and privilege of clearing out a channel in the bed of the river suitable for steamboat navigation, from Farrandsville, on the West Branch of the Susquehanna river, to the mouth of the Sinnemahoning, and from thence to the first fork of the said Sinnemahoning, and to maintain and keep up the same for the period of time hereinafter mentioned: *Provided*, That the said channel shall in nowise interfere with, incommode, or obstruct the ordinary navigation of said streams, as heretofore enjoyed by the public, and that no person shall be prevented from navigating said channel with boats or crafts, except such as may be propelled by steam. *Proviso*.

SECTION 14. That in consideration of the construction of the channel as aforesaid, the said Jabez Stone, his heirs, executors administrators and assigns, shall have and enjoy the exclusive right and privilege of navigating the said channel with boats or other crafts propelled by steam or other artificial motive power, for and during a period of ten years from and after the completion of said channel, and no longer: *Privileges*.

Proviso. *Provided*, That the said improvement shall be commenced within one year, and completed within two years from the passage of this law.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 397.

A N A C T

To incorporate the Rose Family Burial Ground association in the district of West Philadelphia; authorizing the sale of Real Estate in Montgomery county; to the laying out Streets in the borough of Pottstown; relative to Vagrants in Norristown; to the Lewisville and Prospectville Turnpike company; and vacating a Street in Pottstown; relative to the West Chester Gas company; relative to Streets in the district of Penn, Philadelphia county; to the vacation of York street, district of Richmond; to the Education Fund of the Methodist Episcopal church; and to the Elections in the township of Overton.

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 William Rose, senior, James Pennel, senior, Jacob Stadelman, Augustus C. Jones, James Glasgow, and Peter Rose, junior, trustees of the Rose Family Burial Ground, and their successors in office, are hereby created a body politic and corporate in law, by the name, style and title of "The Rose Family Burial Ground association," and by that name shall have perpetual succession, and shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, to hold the piece of land situate on Oak street, in the district of West Philadelphia, known as the "Rose Family Grave Yard," with the appurtenances, to make such rules and regulations in relation to the management of said grave yard or burial ground, as they may from time to time deem necessary, and to do all such other things as are incident to a corporation.

SECTION 2. That if any person shall open any grave or tomb in said burial ground, and clandestinely remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, shall be sentenced to undergo an imprisonment in the penitentiary for a period not less than one year, and pay a fine of not less than five hundred dollars.

SECTION 3. That if any person shall trespass on the said burial ground, or shall injure or deface the fences, shrubbery, trees, walks, burial lots, tomb-stones, railing, fixtures, personal or other property, attached or belonging to said burial ground, or shall commit any dam-

Corporators.

Style.

Privileges.

Penalty for removing bodies, &c.

Trespass.