

All children is hereby altered or supplied, be and the same are hereby over four yrs. repealed, and in said public schools, all children over four of age to be admitted. years of age shall be admitted.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 167.

An Act

Relating to the tolls on that part of the Cumberland road which passes through Pennsylvania, 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 all wagons, carriages, or other modes of conveyance, passing upon that part of the Cumberland road which passes through Pennsylvania, carrying goods, cannon, or military stores, belonging to the United States, or to any individual state of the Union, which are excepted from the payment of toll by the second section of an act passed the fourth of April, Anno Domini, eighteen hundred and thirty-one, shall extend only so far as to relieve such wagons, carriages, and other modes of conveyance, from the payment of toll to the proportional amount of such goods so carried, belonging to the United States, or to any of the individual states of the Union, and that in all cases of wagons, carriages, stages, or other modes of conveyance, carrying the United States mail, with passengers or goods, such wagon, stage or other mode of conveyance shall pay half toll upon such modes of conveyance.

Second section of act of 4th April, 1831, to be extended only to property belonging to the U. S. and individual states.

U. S. Mail.

SECTION 2. That if any person or persons whosoever, owning, riding in, or driving any sulky, chair, chaise, phaeton, cart, wagon, stage, or sleigh, or any carriage of burden or

pleasure, or riding or leading any horse, mare or gelding, or driving any sheep, hogs, or other cattle, shall force them through the gate established on said road, or shall pass through any private gate or way near any toll gate erected, or hereafter to be erected, with intent to defraud the state, and avoid payment of toll for passing through such gate, or if any person or persons shall with such intent, take off, or cause to be taken off, any horse, mare, or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart or wagon, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be avoided or lessened, all and every such person or persons, in all and every or any of the ways or manners aforesaid, offending, shall for every such offence respectively, forfeit and pay to the commissioners of the commonwealth, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount may now or hereafter be sued for and recovered.

Penalty for attempt to defraud the common'th. of toll.

SECTION 3. The president and directors of the Delaware county insurance company, and the president and directors of the Southward fire insurance company, of the county of Philadelphia, shall have full power and authority, in the name and on behalf of their respective companies, to make all kinds of marine insurance, and all kinds of insurance upon the inland transportation of goods, wares and merchandise, by water or by railway, upon the same terms, and under like restrictions as the American insurance company of Philadelphia are authorized to make under their act of incorporation, passed the eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one, except so far as the same relates to the payment in of the capital stock.

Delaware co. Insurance company.

SECTION 4. That James Patterson, Ovid Pinney, Thomas Thornley, A. W. Townsend, Robert Townsend, Thomas Henry, James Allison, John English, Benjamin Adams, Milo Adams, Enock Marvin, John Clark, C. T. Whippo, Edward Hoops, Samuel C. Atkinson, E. K. Chamberlin, John A. Scroggs, N. P. Fetterman, Joseph T. Boyd, John Dickey, Thomas Biddle, John B. Trever, John Moss, Thomas S. Cunningham, and Isaac Leet, be and they are hereby appointed commissioners for receiving subscriptions to the stock of a company to be denominated "The Beaver county insurance company," who shall open a book for that purpose in the borough of Beaver, at the time and place by them to be appointed, and of which they shall give public notice, in all the newspapers published in the said county of Beaver, for three successive weeks, immediately preceding the time of opening the book as aforesaid, and the said book

Commiss'rs. to open books of the Beaver county insurance comp'y

Notice.

shall be kept open for three days, from ten o'clock A. M. till three o'clock P. M. on each day, or until the number of one thousand shares, at fifty dollars per share, shall be subscribed, after which the books shall be closed, and all persons of lawful age shall be permitted to subscribe to the said stock, by paying five dollars on each share at the time of subscribing, and on the first day on which said book shall be opened, no person shall be permitted, in his own name or in the name of any other person, to subscribe for more than twenty shares, but if the whole of the said stock shall not then have been subscribed, the commissioners shall, on the following day, permit any person to subscribe for any number of the shares remaining: *Provided*, That if the whole number of shares shall not have been subscribed within the time before mentioned and limited, the said commissioners shall have power to re-open the said book, at such times and places as they shall deem expedient, and continue the same open until the whole number shall have been subscribed:

Who may subscribe. *2d Proviso.* *And provided also*, That all acts which the said commissioners are authorized to do, shall be as effectual and valid, if performed by a majority of them, or by a committee appointed by such majority, as if performed by them all.

When patent may issue. SECTION 5. When two thousand shares of the capital stock as aforesaid shall have been subscribed, and at least five dollars per share paid in, the said commissioners shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares by them subscribed respectively, and the Governor shall thereupon, by letters patent, under his hand and the seal of the state, erect and create the subscribers, into a body politic and corporate, in deed and in law, by the name, style and title of "The Beaver county insurance company," to be located in the said county of Beaver, by which name and title the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, use, occupy, possess and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, and chattels, of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, assign, demise, grant, alien, or dispose of: *Provided*, That the yearly income of the real estate so held, except such as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due or owing to the same, or in satisfaction of any judgment of any court of law in its favour, shall not exceed the sum of five thousand dollars; and the said company shall have authority to make, have and use a common seal, and the same at pleasure to break, alter and renew.

Style & title. *Proviso.* *Seal.*

SECTION 6. The capital stock of the said company may be increased hereafter, to any sum not exceeding eight thousand shares, of fifty dollars each, if circumstances require it, and two-thirds of the stockholders at any of their regularly convened meetings so order, which increase shall be effected in such manner, and on such terms as said two-thirds of the stockholders shall direct; the said company shall have all the powers, authority and privileges, and be subject to all the restrictions of the act with its supplements, entitled "An act to incorporate the Philadelphia fire and inland navigation insurance company," passed the fifteenth day of April, one thousand eight hundred and thirty-five.

SECTION 7. That the rector, wardens and vestrymen of Saint Andrew's church at Springville, Susquehanna county, shall be and they are hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of "The rector, wardens and vestrymen of Saint Andrew's church," and the said corporation shall have and exercise all the powers and privileges, and be subject to all the restrictions, granted and imposed upon the rector, wardens and vestrymen of the Episcopal church of Saint Paul's in Beaver county, by an act passed the fourteenth day of April, eighteen hundred and twenty-seven: *Provided*, That Arod Wakely and Thomas Nicholson shall be church wardens, and Mark Scott, Myram Kesson, Abel Casseday, Albert Braidsley, David Wakely, Amos Williams, and Daniel B. Avery, shall be vestrymen, to continue in office one year and till others are elected, agreeably to the by-laws of the said corporation.

SECTION 8. Whenever it shall be necessary for the president and managers of the Franklin railroad company, to enter in, upon, and occupy, for the purpose of making said railroad, any land upon which the same was to be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate said damages, who shall be under oath or affirmation, fairly and impartially to estimate the same; and shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of land shall refuse or neglect to join in such appointment, within twenty days after the requisition for that purpose upon him, or if such owner shall be covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of Common

May increase
capital stock.
Act of 15th
April extend-
ed to this
company.

St. Andrew's
church,
Springville,
Susquehanna
co. incorpor-
ated.
Provisions of
act incorpor-
ating St.
Paul's ch'rch
Beaver co. ex-
tended to this
church.

Franklin rail-
road comp'y.
Viewers to
estimate
damages.
Expenses of
appraisers to
be paid by
company.

When parties
cannot agree
the court to
appoint.

- Pleas of the county in which the land lies, on application of either party, and at the costs and charges of said corporation, to appoint six disinterested men of said county to view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or damages, if any, that in their apprehension will be sustained as aforesaid, by reason of said railroad, and report the same, under their oath or affirmation, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company, and it shall be the duty of said appraisers in estimating said injury or damages, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to the court within thirty days after such report has been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year one thousand eight hundred and ten, and upon the coming in of said report, and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, and they and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That upon the appeal of either party, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as are herebefore prescribed: *Provided*, That upon appeal by the said company, security shall be given to pay the amount, which shall be finally awarded against it: *Provided also*, That the eleventh section of the aforesaid act, entitled "An act to incorporate the Franklin railroad company," is hereby repealed.
- SECTION 9.** That the Pittsburg Farmers and Mechanics turnpike road company, be and are hereby authorized to construct that portion of the road lying next to the city of Pittsburg, and for the distance of two miles from said city, of stone, and the remainder of such materials as may be found in the vicinity of said road; and that when the aforesaid two miles of said road are completed, and approved by the commissioners, to be for that purpose appointed, under the provisions of the act incorporating said turnpike road company, the said company shall be allowed to take toll thereon, and to increase the tolls on that portion, and the remainder of the road, when completed, by adding to the rates already prescribed for the said company: *Provided*,
- Fees of viewers.**
- Proviso.**
- 2d Proviso.**
- 3d Proviso.**
- 4th Proviso.**
- Pittsburg Farmers' and Mechanics' turnpike road comp'y.**
- When allowed to take & increase the tolls.**

That the same shall never be higher than will enable the *Proviso.* said company to divide five dollars in each year, upon every hundred dollars of said stock, after defraying necessary expenses and repairs.

SECTION 10. That it shall be lawful for the commissioners, Supplement or a majority thereof, named in the first section of the act to Franklin entitled "An act to incorporate the Franklin Bank of ^{bk. of Wash-} Washington," approved the ninth day of March, A. D. ^{ington.} eighteen hundred and thirty-six, to which this section is supplementary, to sell four thousand shares of the capital 4000 shares stock of the said bank, and the remaining two thousand to be sold. shares thereof shall be sold in the mode prescribed in the said act, under the direction of the president and directors of the said bank, and at such times and places as they may appoint: *Provided,* That at least one hundred thousand *Proviso.* dollars of the capital stock of the said bank shall be paid in within six months after the said bank shall go into operation, and any provision contained in said act, inconsistent herewith, shall be and hereby is repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D., eighteen hundred and thirty-six.

JOS: RITNER.

No. 168.

An Act

Relating to the support and employment of the poor.

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