

Burgess and council may appoint high constable.

majority of them, in case the person elected high constable of said borough shall refuse to give bond, and perform the duties enjoined on him by an act, entitled "An act erecting the town of Kittanning, in the county of Armstrong, into a borough," approved the second day of April, eighteen hundred and twenty-one, shall have power to appoint some reputable citizen of said borough, who, upon giving bond, with approved sureties, shall be considered high constable of said borough, to all intents and purposes, as if he had been elected by the citizens.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 181.

An Act

Authorizing John Gamber of Dauphin county, to construct a canal or slip from the Pennsylvania canal to his furnace, 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 John Gamber, of the township of Londonderry, in the county of Dauphin, be and he is hereby authorized to dig and construct a canal or slip from a point on the Pennsylvania canal, near to the east end of the aqueduct over Swatara creek, at Portroyal, in the county aforesaid, to his furnace, being a distance of between three and four hundred yards.

J. Gamber's canal or slip.

Dimensions of canal and basin.

SECTION 2. The said canal shall not exceed thirty-two feet in width at the bottom, except at the end next the furnace, where the breadth may be extended so as to form a basin of one hundred feet square, the slope of the banks to be such as will increase the breadth one foot in every

perpendicular foot of depth: *Provided*, That the connection with the Pennsylvania canal, shall be constructed in conformity with the directions of the Canal Commissioners, and at such place as they may designate. Proviso.

SECTION 3. The said John Gamber, or his superintendents, engineers, artists and workmen, shall have power and authority to enter in and upon, and occupy, all land on which the said canal or slip may be located, or which may be necessary in the construction and repairs of the said canal, and therein to dig and embank, make and construct the same, and the said John Gamber shall pay, or satisfy the owner or owners of the ground so taken and occupied as aforesaid, but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable, judicious and disinterested persons of the county of Dauphin, who shall be under oath or affirmation, and if they cannot agree upon such persons, then either of the parties, after giving twenty days notice to the other, may apply to the court of Common Pleas of Dauphin county, and the court shall award a venire, directed to the sheriff, to summon a jury of judicious and disinterested persons from the said county, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of the construction of said canal or slip through the same, which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity or quality of the land occupied by the said canal, and all other inconveniences which may be likely to result therefrom to the said land, and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the owner or owners of said land, from the opening of said canal through the same, to make their assessment, and report to the court, which report being confirmed by the said court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by the said John Gamber: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of said county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons owning land, or any other property which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, or in either of the cases, the said John Gamber, at his own proper cost and charges, shall, within one year after the construction of the said canal through the said land, represent the same to the court of Common Pleas for the county of Dauphin, who shall proceed Mode of as-
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damages and
making com-
pensation.

Proviso.

2d Proviso.

thereon in the same manner, and to the same effect, as directed by this act in other cases.

Bridges to be built across canal and kept in repair.

SECTION 4. If the said canal or slip shall be constructed across any public road or highway, the said John Gamber shall, in all such cases, make, or cause to be made, as soon as conveniently may be, a good and sufficient bridge or bridges, to enable all persons passing or traveling such public road or highway, to cross and pass over said canal, and if he shall neglect or refuse to keep such bridge or bridges in good repair, he shall be liable to a penalty of ten dollars for every day the same shall be so neglected, or refused to be repaired, to be recovered by the supervisors of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to all the actions, at the suit of any person who may be aggrieved thereby.

Penalty for neglect.

Banks of canal to be kept in repair.

SECTION 5. The said John Gamber shall keep the banks of the said canal or slip in good repair, so as to prevent any leakage or waste of water, and in case of neglect or refusal so to do, the Canal Commissioners may at any time, cause the connexion of the said slip with the Pennsylvania canal to be closed, to prevent such leakage and waste of water.

Penalty for neglect.

No water to be used for any other purpose than navigation.

SECTION 6. The said John Gamber shall not at any time, draw off or let off any of the water out of said slip, for the purpose of driving any water works, nor shall he use the said water for any other purpose than that of navigating the same with boats to and from his furnace to the Pennsylvania canal, according to the true intent and meaning of this act.

Penalty for injuring said canal or slip.

SECTION 7. If any person shall wilfully and knowingly injure or destroy the banks of said canal or slip hereby authorized, or any part thereof, he, she or they, shall forfeit and pay to the said John Gamber, double the amount of the actual damages so sustained, to be sued for and recovered with full costs, before any tribunal having cognizance thereof, by action, in the name and for the use of the said John Gamber, his heirs or assigns.

Corporators of the Northampton and Luzerne coal company.

SECTION 8. Thomas Reeves, Jr., Henry C. Carey, Isaac Lea, and Robert Earp, and their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name and style of the Northampton and Luzerne coal company, and the said company shall possess and enjoy all the powers, privileges and immunities, and be subject to the restrictions, terms and conditions provided in an act entitled

Act of March 18th, 1836, extended to this company

“An act to incorporate the Hazleton coal company,” passed on the eighteenth day of March, A. D. eighteen hundred and thirty-six: *Provided*, That the lands of said company shall not exceed two thousand acres, and shall all lie within the counties of Luzerne and Northampton, in Pennsylvania, and that its capital shall not exceed one hundred and fifty thousand dollars; said land not to consist of more than two

distinct bodies: *Provided*, That the said Northampton and Luzerne coal company, shall make an annual return, on the oath of the president or secretary of said company, of the amount of dividends, and they shall pay into the state treasury, a tax of eight per cent. on all dividends, when they shall make dividends exceeding six per cent. per annum: *Provided*, That nothing contained in this section, shall be construed as to prevent said Northampton and Luzerne coal company increasing their capital stock, in an amount not exceeding one hundred thousand dollars, for the purpose of constructing a railroad or railroads, with one or more tracks, from any point on their lands, to intersect the Beaver Meadow or Hazleton railroad, or Lehigh canal, or either, at such place or places as they may deem most expedient: *And provided further*, That said Northampton and Luzerne coal company, may hold such lot or lots of land, not exceeding five acres in any one place, as may be convenient for the purpose of a depot, and for vending the products of their mines, and that no railroad or other improvement shall be so located by said company, as to interfere with the location or use of the railroad, or other improvements authorized to be constructed by the Hazleton coal company, or any other incorporated company, but said Northampton and Luzerne coal company, may intersect said Hazleton railroad.

SECTION 9. That Robert Falconer, Guy C. Irvine, Zachariah Eddy, Thomas Struthers, Archibald Tanner, Lansing Wetmore, Abraham Hazletine, Carlton B. Curtis, Thomas Martin, and Henry Sargent, are hereby incorporated into a company, in the name of "The Warren Bridge company," of a stock of four hundred shares, of twenty-five dollars each, to construct a bridge over the Allegheny river, at or near Warren, subject to all the provisions and restrictions of an act passed the seventh day of April, eighteen hundred and thirty-five, entitled "An act to incorporate the Lumberville and Delaware bridge company."

SECTION 10. That the fourth article of the third section of an act entitled "An act to recharter certain banks," passed the twenty-fifth day of March, eighteen hundred and twenty-four, directing the mode of voting for directors, be extended to the Philadelphia Savings institution, and that hereafter stockholders shall be eligible for directors, and any depositor of six months standing, shall be entitled to one vote for every hundred dollars he or she shall have in the institution: *Provided*, That no sum exceeding twelve hundred dollars, shall confer any additional right of suffrage, and the deposits and funds of the institution, shall not be loaned without adequate collateral security of real or personal estate, nor shall they be loaned upon a pledge of the stock

2d Proviso. of the institution: *And provided*, That the election for directors shall be held on the second Monday in January next, and annually thereafter.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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

JOS: RITNER.



No. 182.

An Act

Supplementary to the various acts relating to Orphans' and Registers courts, and executors and administrators, and the act relating to the measurement of grain, salt, and coal.

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 all cases where it shall be made to appear to the Orphans' court, that the whole, or any part of the real estate of any minor, is in such a state of delapidation and decay, or so unproductive and expensive, that it would be to the interest and benefit of such minor, in the judgment of said court, that the same should be sold, then and in every such case, the Orphans' court of the county where such estate lies, shall allow the guardian of such minor to make public sale thereof, and to make title thereto to the purchaser, for such estate and interest as the said minor hath therein: *Provided always*, That before the said court shall approve of such sale, the guardian shall file in the office of the clerk of said court, a bond, with sufficient security, to be approved of by the court, conditioned for the faithful appropriation of the proceeds of such sale, for the use of said minor.

Sale of the estate of minors allowed under certain circumstances.

Proviso.