

neglecting to receive any poor person or persons, agreeably to any of the said warrants or orders, shall be as heretofore, or the same that they would be if the said warrants or orders were made by any two of the said justices.

The managers may bind poor children as apprentices.
Proviso.
2d Proviso.

SECTION 19. That it shall and may be lawful for the said managers, or a majority of them, by indenture, signed and sealed by their president and secretary, to put out and bind as apprentices to learn some art, trade or mystery, any poor child or children who shall have become chargeable to the said township: *Provided*, That the term of service of a female shall not extend beyond the age of eighteen years, nor the term of service of a male beyond that of twenty-one years: *And provided*, That the provisions of any act which are incompatible with this act, are hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and thirty-seven.

JOS: RITNER.

No. 39.

An Act

Authorizing the construction of a railroad to connect the North Branch division of the Pennsylvania canal, at or within the borough of Wilkesbarre, with the slack water navigation of the Lehigh.

Preamble.

WHEREAS, notwithstanding several acts of Assembly have been passed authorizing the construction of railroads from the Susquehanna, at or near Wilkesbarre, to the river Lehigh, no preparations have yet been made to accomplish that object, so desirable to a large portion of the inhabitants of this commonwealth, now that the Lehigh Coal and Navigation company are about completing their navigation to Wright's creek, the point considered most favorable for the connection of the two rivers by railroad; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in Gen-*

eral Assembly met, and it is hereby enacted by the authority of the same, That the Lehigh Coal and Navigation company shall be deemed to have performed all the duties required of them by the act passed twentieth of March, one thousand eight hundred and eighteen, entitled "An act to improve the navigation of the river Lehigh," and by the act passed thirteenth February, eighteen hundred and twenty-two, entitled "An act to incorporate the Lehigh Coal and Navigation company," relative to the improvement of the second grand section of the river Lehigh, and shall be entitled to all the rights, powers and privileges granted by the said acts for the completion of the several kinds of navigation herein after mentioned, when they shall have completed their slack water navigation along the valley of the Lehigh, from Mauch Chunk to the mouth of Wright's creek, or to such other point as may be chosen for the termination of the Susquehanna and Lehigh canal, or of a railroad from a point at or within the borough of Wilkesbarre to the Lehigh, and also, shall have completed a descending navigation by artificial freshets, from the great falls at Stoddartsville, to the mouth of Wright's creek, according to the provisions of the several acts of assembly heretofore passed upon the subject : *Pro-*

Relative to
the Lehigh
Coal and Na-
vigation com-
pany.

vided, They shall have constructed a railroad connecting the slack water of the Lehigh river with a point at or within the borough of Wilkesbarre, within three years from the twentieth day of March, one thousand eight hundred and thirty-seven : *Provided always,* That nothing herein con-

2d Proviso.

tained shall be construed to divest or in anywise affect any cause or causes of action which may have arisen or accrued to any corporation or individual against the said Lehigh Coal and Navigation company, previously to the passing of this act, but the same may be pursued and prosecuted with the effect as if this act had not been passed ; nor shall any thing in this act be construed to authorize the said company to interfere with or obstruct the repair or completion of the Bea-

Tolls.

ver Meadow Railroad : *Provided,* The toll on mineral coal descending the Lehigh navigation, from any point on the same, shall not exceed one cent and a quarter per ton of twenty-two hundred and forty pounds, per mile, throughout the whole distance that such coal may be transported on the navigation ; that the toll on lumber in boats, from any point on the navigation, shall not exceed one cent and a quarter per thousand feet board measure, per mile, for such distance, and the toll on lumber in rafts, shall not exceed two and a half cents per mile per thousand feet for such distance : *Provided,* That the toll on lumber in rafts from

Proviso.

Stoddartsville to Wright's creek, shall not exceed the charge

2d Proviso. for lumber in boats below Wright's creek : *And provided,* That if the tolls on the Morris Canal, the Delaware and Raritan Canal, or the Delaware division of the Pennsylvania Canal, shall be raised above their present rates on those articles, the tolls on the Lehigh Navigation may be raised in the same ratio.

Capital may be increased to \$600,000. SECTION 2. It shall and may be lawful for the Lehigh Coal and Navigation company to increase their capital stock, by an amount not exceeding six hundred thousand dollars, either by new subscriptions or by the sale of shares, as they may think proper.

Powers in locating road. SECTION 3. The Lehigh Coal and Navigation company shall have authority and power, by themselves, their engineers, superintendents, artists and workmen, to enter in and upon, and occupy for the purposes, all land which may be necessary or suitable for the construction of the railroad mentioned in the proviso to the first section of this act, and there to construct the said railroad, inclined planes, steam engines, with the necessary buildings, machinery, or other devices, doing as little damage as possible, and satisfying the owner or owners thereof, but if the parties cannot agree upon the compensation to be made to such owner or owners,

Relative to damages. it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside within the proper county where the land lies, or if they cannot agree upon such persons, then either of the parties may apply to the court of Common Pleas of the proper county where the land lies, and said court shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such railroad, inclined planes, or other device, passing through his, her, or their land, which reports being confirmed by the court, judgment shall be entered, and execution may issue in case of non-payment for the sum awarded, with reasonable costs, to be assessed by the court ; and it shall be the duty of the jury, or six appraisers, as the case may be, in valuing any land, to take into consideration the advantages derived to the owner or owners of the premises from the said railroad : *Provided,* That either party may appeal to

Proviso. the court within thirty days after said report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also,* That if any person 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 and in

2d Proviso.

either of those cases, the said Lehigh Coal and Navigation company shall, within one year thereafter, represent the same to a neighboring justice of the peace, or to the court of Common Pleas of the county, as the case may be, who shall proceed thereon in the same manner, and to the same effect as is directed by this act in similar cases.

SECTION 4. The Lehigh Coal and Navigation company, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons, and other carriages and beasts of burthen and draft, may enter upon the lands contiguous or near to the said railroad, giving notice to the owners or occupiers thereof, and from thence take and carry away any stone, timber, gravel, sand, earth or other material which may be necessary for constructing said railroad, doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by any three disinterested freeholders residing in the neighborhood, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, by any disinterested justice of the peace of the proper county, allowing an appeal to the court of Common Pleas, as in the third section of this act.

Fowers in making road.

SECTION 5. The Lehigh Coal and Navigation company may charge and receive toll for passing on the said railroad, on coal not exceeding one and a half cents per ton per mile, on other articles not exceeding two cents per ton per mile, on each horse not employed in drawing a car or carriage, on which toll is charged, one cent per mile, on each person drawn in a car or carriage, other than the driver, one cent per mile: *Provided*, That at inclined planes where stationary power is required, three times the toll allowed by this section for one mile of road, may be charged for any article passing up or down such plane.

Tolls.

Proviso.

SECTION 6. The seventh section of the supplementary act, passed the third day of April, one thousand eight hundred and thirty-two, regulating the traveling and transportation on the Mine Hill and Schuylkill Haven Railroad, shall be considered a portion of this act, excepting that part of said section which provides that "no person shall intersect said road without the permission of the board of managers," that the said railroad shall be deemed a public highway, and any person or companies may be permitted to intersect the same.

Part of the act relative to the Mine Hill and Schuylkill Haven Railroad, to be considered a portion of this act.

SECTION 7. If any person or persons shall wilfully and knowingly break, injure or destroy the said railroad, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she or they, shall forfeit and pay to the said company three times the actual damage thereby sustained, to be sued for and recovered, together with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company.

SECTION 8. If any owner or driver of any car, carriage, wagon or conveyance, on the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

SECTION 9. That the railroad authorized to be constructed by this act, shall be of the usual and ordinary width, and that it shall and may be lawful for any railroad company now incorporated, or hereafter to be incorporated, or any individuals, or association of individuals, to intersect said railroad by other railroads, at any place where it may be by them deemed expedient; such railroad company, individuals, or association of individuals, so intersecting, to construct under the direction of the Lehigh Coal and Navigation company, the necessary intersections, sideways and switches, and keep the same in good order and repair, and in such position as not in any way to obstruct or impede the free use of the said railroad by the Lehigh Coal and Navigation company, their agents or engineers, or other persons using said road.

SECTION 10. So much of any former act as is inconsistent with this act, or as requires or provides for the completion of a slack water navigation from the mouth of Wright's creek to Stoddartsville, in the second grand section of the river Lehigh, be, and the same is hereby repealed.

SECTION 11. This act shall not go into effect unless it be accepted by two-thirds of the votes of the stockholders of the Lehigh Coal and Navigation company, present at a meeting to be called for that purpose, within two months from the passage of this act, nor until a certificate of such acceptance, under the seal of the corporation, attested by the president

Penalty for
injuring or
obstructing
the road.

Penalty for
evading the
payment of
toll.

Railroad
may be inter-
sected.

Repeal.

Time and
manner of ac-
cepting this
act.

and secretary thereof, shall have been deposited in the office of the Secretary of the Commonwealth: *Provided*, That the legislature may reduce or regulate the tolls on the said railroad. Proviso.

LEWIS DEWART,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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

JOS: RITNER.

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No. 40.

An Act

Relating to the borough of West Philadelphia.

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 it shall be lawful for the electors residing in the borough of West Philadelphia, in the county of Philadelphia, hereafter to elect ten council men, exclusive of the burgess or president, (provided to be elected by the borough law,) a majority of whom shall constitute a quorum upon all occasions, and that the high constable of said borough shall be required to give security, in the same amount, to the court of Quarter Sessions of the county of Philadelphia, as other constables of the county, and shall have the like powers and authority, and be subject to the same laws, regulations and penalties as are provided, or that may hereafter be passed, relating to constables in the county of Philadelphia.

LEWIS DEWART,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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

JOS: RITNER.