

like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 23. That the legislature reserves the right to repeal or amend the charter hereby granted, at any time they may be pleased so to do, in such manner, however, that no injustice may be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twentieth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 138.

AN ACT

For the better regulation and employment of the poor, of the township of Germantown, in the county of 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 from and after the expiration of the time of service of each of the present board of managers, for the relief and employment of the poor, in the township of Germantown, in the county of Philadelphia, and as vacancies may occur in the said board, after the passage of this act, there shall be elected, by the freemen of the said township, at the time and at the place appointed by law for the election of supervisors in the said township, six inhabitants of the said township, two whereof shall be elected annually in every year hereafter, and shall be selected in manner following, viz: Three by the inhabitants of that portion of the said township, lying between the upper end thereof and Washington's lane, and three by the inhabitants residing between the said Washington's lane and the lower end of the said township, to serve for three years from the time of their said election, as managers for the relief and employment of the poor, of the township of Germantown; and it shall be the duty of the judges and clerks of each and every such election to give notice within two days thereafter, to each and every person who shall be duly elected, and chosen such managers as aforesaid, and it shall be the duty of each of the said managers so to be elected, as aforesaid, at their first

At the expiration of the time of service of present board

Six managers to be elected, two annually

The manner of election

Time of service

Notice of election to each

persons elected

- Managers to be sworn, &c. meeting, which shall be held within ten days after every such election, to take an oath or affirmation, to be administered by any justice of the peace of the county of Philadelphia, that he will discharge his duty as a manager for the relief and employment of the poor, of the said township, truly and impartially, to the best of his knowledge and ability; the said managers shall then form themselves into a board, and shall appoint one of their own body as president, who shall preside over their deliberations. *Provided always*, That whenever a vacancy shall occur in the said board of managers, by death, resignation or removal from office, or otherwise, it shall and may be lawful for the said board of managers to appoint a suitable and duly qualified person, according to the provisions of this act to fill the same. *And provided further*, The said managers may be re-elected as often as they are willing to serve, and are duly qualified according to the provisions of this act.
- Proviso
- Of vacancies
- 2nd proviso
- Managers incorporated Name and style Privileges and powers
- SECTION 2. The said managers, for the time being, shall be a body politic and corporate in law, by the name of the managers for the relief and employment of the poor, of the township of Germantown, with all and every, the rights, privileges, powers and faculties, of a body politic and corporate, and by that name may take, hold, and immediately on the organization of the board, at their first meeting, to be held after their first election, to be held as provided for by the first section of this act, shall be vested with all the estate, real, personal and mixed, whatsoever, now vested in or held by the managers for the relief and employment of the poor, of the township of Germantown, in trust or otherwise; and may also hold to them and their successors, any other real or personal estate, conveyed to them by grant, bargain or sale, or by gift, bequest or other alienation whatsoever, which property, as far as the same shall be actually used for the purpose of carrying out the objects and intentions of this and other acts, relating to the relief and employment of the poor of said township, be, and the same is hereby forever exempt from all taxation, except taxes for state purposes. The said corporation may sue and be sued, plead and be impleaded, in any court of record, or in any other place whatever, and may have a common seal, and make such laws, rules and orders, as shall appear to them, or a majority of them, useful, necessary and proper, for the government of said corporation, its officers, estates, property, funds, and the business and affairs in general of the same. *Provided*, That such laws, rules, orders and regulations, be not inconsistent with the constitution and laws of this state or of the United States. *And provided also*, That the said board of managers shall have a stated meeting at least once in every calendar month, at such time and place as they may deem proper.
- Exempt from taxation
- Seal
- Proviso
- 2nd proviso

SECTION 3. If any manager, for the relief and employ-^{Duty of man-}ment of the poor, shall remove from the said towuship, he shall, before such removal, deliver over to some other mana-^{ger in case}ger of the said township, his account, books, papers, vouchers, money, and all other things concerning his office, and upon the death of any guardian, his executors or adminis-^{Of administra-}trators, shall within forty days after his decease, or within^{tor &c. case of} forty days after they undertake the execution of the will, or^{death of man-} administration of the estate and property of such deceased^{ager} manager, deliver over all things concerning his office to some other manager, as aforesaid, and shall also pay out of the as-sets, all moneys due which he received by virtue of his of-^{only excepted.} fice before any of his other debts are paid, funeral charges

SECTION 4. The said board of managers, or a majority of^{Election of} them, shall annually elect one of their own body, removable^{treasurer and} at pleasure, to act as treasurer of the said corporation: at the^{his duties} expiration of the time of office of such treasurer, or in case of his removal from office, he, or in the event of his death, his legal representatives, shall well and truly pay, and deliver over to his successor, all moneys, books, accounts, vouchers and papers belonging to the said corporation, which shall then be remaining in his or their hands or possession, and it^{Duty of col-} shall be the duty of the collector of the said township, to^{lector of taxes} pay once in every month, and render an account of all moneys which he shall have received for, or on account of the poor tax, to the said treasurer, who shall give a receipt to such collector for the money which he shall from time to time pay to him, which said receipt or receipts, shall be a good and sufficient discharge to the said collector for so much money as may be therein expressed to have been received; it shall be the duty of such treasurer to pay out of the money^{Treasurer to} belonging to the said corporation in his hand, all orders that^{pay money on} may be lawfully drawn on him by orders of the said board of^{orders} managers, signed by the president, or in his absence, by the chairman for the time being, and countersigned by the secretary.

SECTION 5. The said managers, or a majority of them, shall annually elect one of their own body as secretary, re-^{Election of} movable at their pleasure, whose duty it shall be to keep fair^{secretary and} minutes of the transactions of the said board, and generally^{his duties} to do and perform all such duties as may be directed by the said board; in case of his resignation or removal from office, and upon the expiration of the time of service thereof he, or in the event of his death, his legal representatives, shall deliver over to his successor, all books, accounts, vouchers and papers belonging to the said corporation, which shall then be remain-^{ing in his or their hands, custody or possession.}

Managers to
appoint a col-
lector

To give bond
with authority
to confess
judgment &c.

To be filed
&c.

Duty of collec-
tor on receipt
of duplicate

To give notice
of sums due
by taxables

For non-pay-
ment of tax
may distrain

SECTION 6. It shall be the duty of the said board of managers, or a majority of them, to appoint and employ a fit person, who shall be an inhabitant, and actually reside within the said township, to be a collector of the poor tax, assessed or imposed, or hereafter to be assessed and imposed, upon the inhabitants of the said township, which said collector, so to be appointed, shall, with one or more sureties to be joined therein, make and execute a bond with warrant of attorney, to confess judgment unto the said board managers, in a sum equal to double the amount of his duplicate, with a condition or conditions thereunto annexed, for the true and faithful performance, of all and singular, the duties and services, which shall or may be lawfully imposed upon, and required from such collector, upon which judgment shall be entered forthwith in the prothonotary's office of any court having jurisdiction to the amount of the penalty, and after being so entered, is hereby declared to be and operate from the time of filing the same as a lien upon the lands and tenements of the said collector and his sureties, until the final adjustment, settlement and discharge of the said collector for or on account of his duplicate.

SECTION 7. The said collector, appointed as aforesaid, on the receipt of his duplicate, shall, from time to time, levy and raise from all and every, the inhabitants of the said township, and of and from the respective estates, chattels and effects, all such sums of money as shall be assessed and imposed upon the said inhabitants respectively, or their respective estates, as aforesaid; and it shall be the duty of the said collectors to give a written or printed notice to every taxable inhabitant, residing or holding property within the said township, or to the agent, attorney or representative of such taxable, stating the sums respectively due, and requiring him or her to pay the same within two months, and all those who shall neglect to pay their tax within the time aforesaid, shall be called upon by the collector, in person, at least once at their respective dwellings, or places of abode, and payment of the said tax demanded, and in case of non-payment thereof, he shall, within thirty days thereafter, distrain their goods, chattles and effects, wherever found, or of the tenant in possession therefor, which goods, chattles and effects, so levied upon and distrained, shall be irrepleviabie, and may be removed by the said collector to his own dwelling house, or elsewhere, within the said township, and sold at public sale by the collector, within ten days after the distress so, as aforesaid, made, five days notice of such sale being publicly given in one newspaper, and by hand-bills put up in the most public places; and it shall be the duty of the said collector, when and as often as he shall seize and make distress, as aforesaid,

to furnish and deliver at the time of making the same to the owner or owners thereof, a true and perfect inventory of the goods, chattels and effects, so as aforesaid, distrained, and also to furnish to the owner or owners, a true account of the sales of the said goods and chattels, and if any surplus should remain after payment of the taxes due, and reasonable costs and charges incident to the sale and distress as aforesaid, then, and in such case, the collector shall pay over to the owner or owners as aforesaid, such surplus, and in case of neglect or refusal within three days after such sale, if demanded, the collector shall forfeit and pay a sum not exceeding twenty per cent., to be calculated upon the said surplus, to be recovered, together with such surplus before any justice of the peace, any laws, usage or custom, to the contrary notwithstanding. *Provided*, That it shall be lawful for any person or persons, whose goods, chattels or personal property may be levied upon and sold as aforesaid, or who may pay the taxes, rates or levies as aforesaid, by action of debt, or otherwise, to recover the amount so paid on the value of the goods and chattels levied on, and sold together with all costs and damages against the owner or owners of the real estate, or at his or their election to defalcate the amount thereof in payment of any rent which may be due to the owner or owners of such estate, unless such defalcation or recovery would impair any contract or agreement between them previously made. *And provided also*, That it shall be the duty of the said collector to keep an exact account of all sums of money rated and collected by him, and all such sums of money as are rated and not collected by him, and the examination and final settlement of the accounts of the said collector, shall belong to the said board of managers, who shall have full power and authority to allow and deduct such parts thereof, only as to them shall seem just and reasonable, and the powers hereby given and granted to the said collector, shall, in such case, remain in full force until the whole of his duplicate shall be collected, unless the said board of managers shall think fit to rescind and annul such powers, which they may at any time, when to them there shall appear to be a reasonable cause, have power to do.

SECTION 8. The said board of managers be and they are hereby authorized, whenever any person or persons shall be received into the alms house of the said township, to inquire into the situation and circumstances of such persons, and into the causes which have produced his or her application for relief, and if, in the opinion of the said managers, the case shall be such as to render it expedient, they shall cause to be opened in the books of the alms house an account with the person or persons so received, and shall charge him, her

Proviso

Liability in
certain cases
of owners of
real estate

2nd proviso

Collector to
keep an ac-
count of mon-
eys receivedPower of
board of man-
agers in settle-
ment of collec-
tors accountIn application
for relief, duty
of managers

or them, a fair and moderate price for the maintenance and other articles furnished for their relief, and shall credit such person, with a just and liberal allowance for any work they may perform, or services they may render; and all persons who may be sent to the said alms house, and cured of any disease brought on by vicious habits, and also all the idle, disorderly and vagrant persons, who may be sent to the said alms house by any two of the managers thereof, as hereinafter provided, may be detained in the said house by the board of managers, and compelled to perform such work and services as the said board may order and direct, until they have compensated by their labor for the expenses incurred on their account, unless discharged by special permission of the board of managers; and it shall be the duty of the said board of managers to furnish such person or persons, as aforesaid, with sufficient work and employment, according to their physical abilities, so that the opportunity of reimbursement may be fully afforded: and for the more complete carrying into effect the provisions of this law, the board of managers are hereby authorized and empowered to exercise such authority as may be necessary to compel all persons, within the said alms house, to do and perform all such work, labor and services as may be assigned to them by the said board of managers. *Provided*, The same be not inconsistent with the condition or ability of such person.

Proviso

To examine persons chargeable under oath, &c.

Steward to enter name of applicants for relief, &c.

Of legal settlement

SECTION 9. The said board of managers, or any two of them, shall have full power and authority to examine, under oath or affirmation, which they are hereby empowered to administer, all such poor persons who have, or shall become chargeable to the said township, or who shall apply to any of the said managers for relief, respecting their place of legal settlement, in the same manner that any two justices of the peace of the said county, may now examine them, and it shall and may be lawful for a majority of the said managers, or any two of them, (unless prohibited by said majority) by their warrant or order directed to the steward of the said poor house, or other suitable person, to have the names of the person or persons, so having become chargeable or applying for relief, as aforesaid, entered on the poor book of the said township, and the said person or persons, duly admitted into the poor house of the said township for relief and maintenance, and the said order or warrant, so made as aforesaid, shall have the same force and effect, to all intents and purposes, as an order of relief is now signed and sealed, or made by any two justices of the said township, and county of Philadelphia, and in case the legal settlement of the said person or persons shall not be in the said township, then it shall be lawful for the said managers, or any two of them, by

their order, to remove and convey such poor person or persons, to the city, borough, township, state, or place, where he, she, or they, was or were last legally settled, and in case of emigrants, or foreigners, having no legally constituted settlement in any such city, borough, township, state, or place, then to remove and convey such poor person or persons, to the borough, city, township, state, or place, where he, she, or they, were first landed, unless such poor person or persons, shall be able to maintain him, her, or themselves, or shall give sufficient security to discharge or indemnify the said township, and the said warrant or order, made by the said managers, or any two of them, in manner last aforesaid, shall have the same effect to all intents and purposes, that they would have if they had been signed and sealed, or made, by any two of the said justices, and the penalties for refusing or neglecting to receive any poor person, or persons, agreeably to any of the said warrants or orders, in this section mentioned, 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.

Penalty for refusing to receive poor persons

SECTION 10. 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 bind 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.

Authority to bind apprentices

Proviso

SECTION 11. It shall and may be lawful for any one of the said managers, (unless prohibited by a majority of the board) to afford temporary relief to such out-door poor as may stand in need thereof, in case of any sudden emergency, or when, in the opinion of any such manager, the interests of the township will be better promoted by so doing, than by sending such person or persons, to the alms-house of the said township.

Temporary relief

SECTION 12. No person who shall hereafter come from any state, or territory of the United States, to inhabit in the said township, not having a legal settlement therein, (except persons who shall heretofore have gained a legal settlement in the state of Pennsylvania) shall be adjudged and deemed to gain a legal settlement, but on the same terms and conditions on which such person would be entitled to gain a legal settlement in the state, or territory, from which such person shall have so removed to the said township.

Persons from other states, terms of admission

SECTION 13. Where any person not having a legal settlement within the said township, shall be relieved and provided for temporarily, by the managers thereof, it shall

Where temporary relief is given, duty of managers

and may be lawful for the said managers, to transmit with the poor or indigent person, or persons, so as aforesaid relieved, to his last place of legal settlement, a bill, containing the amount of moneys expended in the relief of such poor indigent person, or persons, certified under the seal of the corporation, and attested by the oath or affirmation of the manager furnishing or expending the same, which said bill, so certified and attested, shall be received by the overseers or justices of the township, or place, where the said poor or indigent person, or persons, were last legally settled, as evidence, but not conclusive evidence of the amount, if upon an appeal, the settlement shall be affirmed, and in case the overseers of the place or township to which such poor and indigent persons shall be removed, or the parties removing, as the case may be, shall appeal from the judgment of the said justices to the court of quarter sessions of the county to which such removal shall be made, the said court shall receive the said bill, so as aforesaid certified and attested, as evidence, but not conclusive evidence of the amount, and the overseers of the place, or township, to which such poor and indigent person, or persons, shall be so as aforesaid removed, shall be liable to pay the amount adjudged to be due, whether notice has been given to them or not, of the pauper or paupers, being within the corporation of the managers of the poor of the said township, any law, usage or custom, to the contrary in any wise notwithstanding.

Certain mon-
ey remaining
in hands of
sheriff, &c.
to be paid to
managers

SECTION 14. All moneys due to jurors, witnesses and arbitrators, residing within the township aforesaid, which shall remain in the hands of the sheriff of the city and county of Philadelphia, or any of the clerks, prothonotaries, or officers, of any the courts within the said city and county, and shall not be demanded by, or paid over to the person, or persons, lawfully entitled to receive the same, within twelve months from and after the passing of this act, and also, all moneys that may hereafter be received by the said sheriff, clerks, prothonotaries, or officers, as aforesaid, which shall not have been paid over or demanded, within twelve months from the receipt thereof, shall belong to the said managers for the relief and employment of the poor of the said township, and the said sheriff, clerks and officers, shall keep separate accounts of the said moneys, and furnish copies thereof to the said managers, on the first Tuesday in the month of January, in each and every year, and pay over the same forthwith to the said managers, for the use of the poor, under a penalty of fifty dollars, for each and every violation of the provisions of this section.

SECTION 15. All recognizances heretofore forfeited and unpaid, as well as recognizances henceforth entered into, by

any person or persons, in all cases prosecuted by, or on behalf, Forfeited re-
 or for the benefit of the said managers, for the relief and cognizances
 employment of the poor of the said township, shall, when unpaid to be
 forfeited, be sued out at the cost of the said managers, in the sued out, &c.
 name of the commonwealth, for the use of the said managers,
 and the amount recovered shall be paid to the said managers,
 for the use of the poor of the said township.

SECTION 16. From and after the passage of this act, it Managers pro-
 shall not be lawful for any manager, for the relief and employ- hibited from
 ment of the poor of the said township, to be directly concern- contracting to
 ed in any contract, for the supply or delivery of any article supply food,
 of goods, wares, merchandize, food, or other thing, intended &c.
 to be used or consumed in the alms house of the said township,
 and if any manager shall be convicted, before any alderman,
 or justice of the peace, of the county of Philadelphia, to be Penalty
 directly concerned in any contract, for the supply or delivery
 of any article of goods, wares, merchandize, food, or other
 thing, intended to be used or consumed in the alms house of
 the said township, he shall pay a fine of one hundred dollars;
 for the use of the poor of the said township, to be recovered
 as penalties are now recovered, for offences under the juris-
 diction of justices of the peace.

SECTION 17. If any action shall be brought against any Action a-
 of the said managers, or other person or persons, who in aid gainst mana-
 of the said manager or by his command, shall do any thing gers
 concerning his office under this act, he, or they, may plead
 the general issue, and give this act and any special matter, in
 evidence, and if the plaintiff shall fail in his action, dis-
 continue the same, or become nonsuit, he shall pay double
 costs.

SECTION 18. Whereas, the third section of an act, pas- Repeal of an
 sed for the relief of Benjamin Spayd and Isaac Beck, late act relative to
 overseers of the poor of the borough of Pottsville, and for overseers
 other purposes, requiring the overseers of the poor of the
 said township of Germantown, to issue proposals for contracts
 to supply the said township, has been found disadvantageous
 in its operation, the same is hereby repealed, so far as it
 effects the said township of Germantown.

SECTION 19. All and every act and acts of assembly, Repeal of acts
 inconsistent with, or supplied by the provisions of this act, inconsistent
 are hereby repealed. Provided, That nothing herein con- Proviso
 tained shall be deemed, or taken, or be construed, to effect a
 dissolution of the present board of managers, for the relief
 and employment of the poor of the said township, but that
 the managers hereafter to be chosen, under the provisions of
 this act, as the time of those now in office shall expire, shall
 be deemed and taken to be the successors of those now in
 office, and as such, continuing and preserving the said board,

2nd proviso in the same manner as if this act had never been passed. *And provided also*, That all contracts, engagements, undertakings, bonds, recognizances and obligations, whatsoever, to which the managers, for the relief and employment of the poor of the said township, may in any manner or way, be, or have been a party, or in which they may in any manner or way be interested, shall remain, and be unaltered and unaffected, by the passage of this act, and in full force, and shall and may be enforced by and against the managers under this act, to be appointed and continue as fully and effectually as by or against the present, or any former board of managers, for the relief and employment of the poor of the said township, and all warrants to collectors, or otherwise, granted by the said managers, shall in like manner remain in full force and virtue, and all penalties accrued to them, may in like manner be sued for and recovered, and suit commenced, be continued, and prosecuted to final judgment, as if this act had never been passed, any thing herein contained to the contrary notwithstanding.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—This twentieth day of June, A. D. eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 139.

AN ACT

Authorizing the Williamsport and Elmira Railroad Company, to borrow money to complete their road.

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 stockholders of the Williamsport and Elmira Railroad company, at any meeting summoned by the managers thereof, to authorize the president and managers to increase the capital stock of said company, to any amount not exceeding four hundred thousand dollars, whereupon the said president and managers may increase the said capital stock, accordingly, and sell and dispose of the new stock at their discretion, and issue certificates thereof in the usual form.

Company authorized to increase capital stock

SECTION 2. It shall be lawful for the president and mana-