

from Europe, but not possessing a capital sufficient to enable him to carry on the said works extensively, and to furnish supplies of that article adequate to the demands in the market, he hath petitioned the legislature for a loan of money for that purpose: And whereas it is the true policy of this state to give encouragement to works of a public utility, to foster our own manufactures, and to render ourselves independent of foreign nations for articles of such absolute necessity: Therefore,

Section I. (Section I, P. L.) 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 a loan be granted from the state to William M'Dermett, of three thousand dollars, to be paid on warrant from the governor, out of any money in the state treasury not otherwise appropriated: Provided, that the said William M'Dermett shall first give bond with warrant of attorney, to confess judgment to the commonwealth, with sufficient security to the satisfaction of the governor, for the repayment of the said loan with interest in five years.

Approved March 24, 1809. Recorded in L. B. No. 11, p. 327.

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## CHAPTER MMMLXVI.

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### AN ACT TO INCORPORATE THE PRESIDENT AND DIRECTORS OF THE WATER PIPES IN AARONSBURG.

Whereas a number of the inhabitants of the town of Aaronsburg in the county of Centre, have, by their petition represented to the legislature, that the use of a certain stream of water has been granted by Aaron Levy to the said town, if they would convey through the same, which they have done accordingly by wooden pipes, at a great expense; and that they butions for maintaining and keeping the same in repair, as experience much difficulty in equalizing the necessary contri-

well as distributing the advantages of the water to the different parts of the said town, and to remedy which difficulty, they have solicited the interference of the legislature: Therefore,

Section I. (Section I, P. L.) 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 and may be lawful for the inhabitants of the town of Aaronsburg in the county of Centre, who are freeholders or housekeepers, in the same, to meet at the house of Samuel Miles, or any other house in said town, a majority shall appoint on the first Saturday of June next, between the hours of one and six of the clock of said day, and then and there to elect by ballot five citizens, who shall be resident in said town, and who shall be termed directors of the water pipes of Aaronsburg, and who shall serve as such but one year, unless they are re-elected; and the like number of directors as aforesaid, shall annually be elected on the first Saturday of June thereafter, in manner aforesaid; but previous to any election being held in pursuance of this act, the electors who may be present, at the time of opening the same, shall appoint two citizens resident in the town to receive the tickets from persons qualified by this act to vote and to count the votes and certify the result of the election under their hands and seals, to the persons elected; and immediately after the said annual election respectively, the directors elected shall appoint out of their own body, a president and secretary; and in the absence of one or the other, their absence shall be supplied by pro tempore appointments; and in case any directors shall refuse to accept the appointments, or to enter upon the duties thereof, he shall pay a fine of ten dollars, to be recovered upon the complaint of any person, as debts of equal amount are or may be by law recoverable; and if any vacancy occurs in the directorship in anywise, it shall be immediately supplied by an election in manner aforesaid, upon notice given through advertisements by the president, fixed up at five of the most public places in the said town, at least five days pre-

vious to the election, which special election shall be held at the same place, and conducted in the same manner as the annual election under this act, and the said directors shall have perpetual succession by the name, style, and title of the president and directors of the water pipes of Aaronsburg, and under the same name and title they shall be, and are hereby made able and capable in law to sue and be sued, implead and be impleaded; and they, or a majority of them shall form a quorum for doing business; and they shall have power to make by-laws, and to appoint officers and agents necessary for carrying the object of this act into effect, not inconsistent with or repugnant to the constitution and laws of the United States or of this commonwealth, and from time to time to alter or abolish and enforce the same by certain fines and penalties, which shall be recovered by the president and directors in the same manner as debts of equal amount are or may be by law recoverable; and the said by-laws shall be signed by the president, and countersigned by the secretary, which shall be immediately published after they are passed in at least six written or printed handbills, fixed up at as many of the most public places in the said town, and which shall also be recorded in a book to be provided for that purpose by the president and directors; and they shall also provide another book, in which they shall record the certificates of their election, and enter all their contracts; and the appointment of officers and agents and proceedings generally under this act, which book shall be kept by the secretary, and who shall submit them to the inspection of any of the inhabitants as aforesaid, at convenient hours when they apply for the same.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the president and directors to have the water granted for the use of said town by Aaron Levy, conveyed in proper pipes through all the streets in the same, and to fix hydrants or fountain pumps at equal distances, with the diameter of the boxes proportioned to the population near their respective situations, so as the inhabitants thereof may have as equal opportunities

as possible of being conveniently supplied with water; and they shall keep the water pipes and hydrants or pumps always in good repair, and renew the same as often as occasion may require; and if it should not in their opinion produce a scarcity of water in the streets, they may upon the application of any of the inhabitants of the town, grant permission to any of them at their own proper cost, to lead part of the water by small pipes or conduits from the public pipes into their own houses or lots, but if it should be found that these pipes have produced a scarcity of water in any part of the town, or inconvenience to any of the inhabitants, the permission shall in such case be withdrawn, and the said small pipes be shut up.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That all fines and forfeitures under this act, shall be paid to the president and directors, to be by them applied to defray the expenses arising under the same: in addition to which they shall have power from time to time to assess taxes for that purpose on the real and personal property in said town, agreeably to the latest valuation thereof, under the act for raising county rates and levies, and to collect the same, but the said tax or taxes shall not in any one year exceed one cent in the dollar of that valuation; and the personal property of the occupant of the real property shall be liable for the taxes, and in case the occupant is a tenant, the landlord shall refund the same to him or her, but nothing in this act shall be construed to interfere with any agreement made between the landlord and tenant about the payment of taxes.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the president and directors shall yearly and every year give five days' notice by advertisements fixed up at not fewer than five of the most public places in the said town, to the inhabitants who are freeholders and housekeepers in the same, that they will at a certain time and place within the said town exhibit an account of their re-

ceipts and expenditures and proceedings during the year under this act, when and where as many of the freeholders and housekeepers as think proper may attend, which time shall not be more than ten nor less than two days, previous to the first Saturday of June in every year, and the freeholders and housekeepers as aforesaid, who may be present at the time of meeting, shall previous to their entering upon the examination or settlement of the accounts of the president and directors, nominate and appoint a chairman and secretary, to preserve order, and all objections to the accounts and official conduct of the president and directors then to be offered shall be addressed to the chairman, and also the defense of the president and directors, and if the said accounts and official conduct shall be approved by a majority of the freeholders aforesaid who may be present, it shall be so certified in the public books, in which their proceedings are entered and signed by the chairman and countersigned by the secretary, which shall be final and conclusive, but if a majority should not approve as aforesaid, then and in that case any person or persons who may think him, her or themselves aggrieved by anything done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, upon giving security according to law, to prosecute his, her or their appeal with effect, and the court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the nonuser of the powers herein given shall not work a forfeiture of them, but nothing herein contained shall be deemed or taken as a promise from the legislature not to repeal or abridge them at any subsequent period.