

**ACTS**

OF THE

**GENERAL ASSEMBLY**

OF THE

**COMMONWEALTH OF PENNSYLVANIA,**

PASSED AT A SESSION

WHICH WAS BEGUN AND HELD AT THE BOROUGH OF HARRISBURG,

ON TUESDAY, THE SECOND DAY OF DECEMBER,

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTEEN,

AND OF THE

**INDEPENDENCE**

OF THE

**UNITED STATES OF AMERICA**

**THE FORTY-SECOND.**

.....  
PUBLISHED BY AUTHORITY  
.....

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1818.



duly incorporated. And whereas, by virtue of the said act, "The clear yearly value or income of the messuages, houses, lands and tenements, rents, annuities or other hereditaments and real estate of the said corporation, and the interest of money by them lent, cannot exceed the sum of five hundred pounds." And whereas, said corporation have represented that their annual income is nearly equal to this sum, and that the design of the institution will be advanced by an increase of revenue, and pray that the limitation may be enlarged to ten thousand dollars.

Therefore,

SECT. 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 and may be lawful for the corporation styled "The Philadelphia Society for the establishment and support of Charity Schools," to hold and enjoy additional revenue: *Provided*, That the clear yearly value or income of the messuages, houses, lands and tenements, rents, annuities or other hereditaments and real estate of said corporation, and the interest of money lent, shall not exceed ten thousand dollars.

WILLIAM DAVIDSON, *Speaker*  
of the House of Representatives.

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-seventh day of January, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

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## CHAPTER XXVIII.

### *AN ACT*

Authorising the Governor to incorporate the Berwick Water Company.

SECT. 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 Commission-  
same, That John Brown, John Venet, Samuel Headley and ers named.  
Sherman Clark, or any three of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned, that is to say, They shall, on

Book to be procured.

Price of shares \$25.

Notice to be given of opening the book.

Subscriptions to be taken.

Book to be kept open till 800 shares are subscribed.

Proviso.

\$2 per share to be paid.

When fifteen or more persons have subscribed forty or more shares, they may be incorporated by the Governor.

Style of the company. Powers and privileges.

or before the first day of May next, procure a book and enter therein as follows: "We the subscribers promise to pay to the President and Managers of the Berwick Water Company, the sum of twenty-five dollars for every share set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said company, in pursuance of an act of the General Assembly, entitled "An act authorising the Governor to incorporate the Berwick Water Company." Witness our hands the

day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and eighteen." And shall thereupon give notice in one or more of the newspapers printed in the county of Columbia, in the state of Pennsylvania, for the space of two weeks or more, when and where the said books shall be opened to receive subscriptions of stock, which place shall be within the said town of Berwick; at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names, or in the names of others, when they shall appear to be duly authorised, to subscribe for any number of shares in the said stock not exceeding eight on the first day; and the said book shall be kept open two days, or until eight hundred shares shall have been subscribed; and the said commissioners, or the officers of the company, after the same shall have been organised, may at any time open the book for the subscription of shares, until the whole number aforesaid shall be subscribed; *Provided*, That every person offering to subscribe in the said book, in his own name, or in the name of any other person, shall previously pay to the attending commissioners or officers, two dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organised and the officers chosen as is hereinafter mentioned,

SECT. 2. *And be it further enacted by the authority aforesaid*, That when fifteen or more persons shall have subscribed forty or more shares of the said stock, the commissioners shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the Governor of this commonwealth; and thereupon it shall be lawful for the Governor under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate in deed and in law, by the name, style and title of the "Berwick Water Company;" by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and the profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary, to fulfil the

intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such lands, tenements, hereditaments and estate real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any three or more of the said commissioners shall as soon as conveniently may be, after the letters patent are obtained, give at least ten days notice in one or more of the newspapers printed in the county of Columbia, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose by ballot nine managers, who shall be stockholders, to conduct the affairs of the company, until the first Tuesday in January then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him, not exceeding four, but no stockholder shall be entitled to more than four votes at any election. And the said managers shall appoint one of their number president of their board, who shall sign all contracts and certificates of stock. The president and managers shall have power to appoint a treasurer and such other officers and agents, as may be necessary. And the elections for officers shall be held annually on the first Tuesday of January at such place as may be appointed by the managers, of which at least ten days notice shall be given in one or more of the newspapers printed in the said county; and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided,* That no misnomer nor failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers may prescribe.

Ten days notice to be given of the time and place of organising the company. What officers to be chosen.

Number of votes.

A President and Treasurer and other officers to be appointed. Elections when held.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the president and managers, or any five of them, shall have power to adopt such bye-laws, rules and regulations, as may be deemed expedient for the well governing the affairs of the company, and shall also have power to call special meetings of the stockholders whenever any circumstances occur which may render it necessary to consult them: *Provided,* That such bye-laws, rules and regulations, shall in no wise contravene the constitution and laws of this commonwealth, or those of the United States.

Power to make bye-laws.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure a common seal, and the certificates of stock and other official acts, shall be authenticated by affixing the same. And the president and managers shall procure certificates for all the shares

Common seal.

Certificates of stock to be delivered. of the stock of the said company, and shall deliver one such certificate, signed by the president, countersigned by the treasurer and sealed as aforesaid, unto each person for every share (held by him or her) as soon as ten dollars shall be paid on such share, and every such certificate shall be transferable in person, or by attorney duly authorised, in the presence of two credible witnesses, subject however to all payments due and to become due thereon. And the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Certificates transferrable.

Meetings of the board.

To keep minutes.

May employ artists, engineers, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places as shall be directed by their bye-laws, and when met five members shall be a quorum, and in the absence of the president, a chairman may be chosen of the number met, and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books to be kept for such purposes; and a quorum being formed, they shall have full power to employ and contract with engineers, artists and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same, and also to fix the times and manner, and in what proportion the stockholders shall pay the monies due on their respective shares, and to draw on the treasurer for all monies that may be required to carry into full effect this act, or that may be required by their bye-laws, rules and regulations, and generally to do all such other matters and things, as by this act, or their bye-laws, rules and regulations they shall be authorised to do.

Bound to introduce water.

May enter lands, &c.

Damage, how assessed.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers, as soon as may be after the company shall be organised, to proceed and bring, introduce and convey water into the town of Berwick, (*Provided,* That the consent of the owners of the land on which such spring or stream may be situate, is previously obtained,) by means of pipes, trunks or aqueducts, and also to provide proper cisterns or reservoirs for the reception thereof; and for these purposes may enter into such lands and enclosures as may be necessary, and to dig, ditch and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them; when the parties cannot agree according to an assessment made by three disinterested freeholders, not being stockholders, to be appointed on application by the court of common pleas in and for the county of Columbia, and who shall be duly sworn or affirmed, justly and truly to make such assessment, reserving to the party think-

ing him, her or themselves aggrieved, the right of appealing therefrom as in other cases, to the court of common pleas aforesaid, and reserving nevertheless, to all those who may be affected by the diversion of the water, or by laying trunks through their lands, the full effect of the conditions and reservations in their respective concessions already made. And the president and managers shall at all times (paying damages as aforesaid) have liberty to renew and repair the trunks wherever laid on and through private property, doing as little damage as possible; and also shall have liberty at all times to dig and lay pipes and trunks along roads and highways, and the streets and alleys of the town of Berwick, and to renew and repair the same, shutting up and amending any breaches, which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs in the streets or public ground in the said borough, where the same may be necessary.

SECT. 8 *And be it further enacted by the authority aforesaid,* That the said president and managers shall, in such streets or parts of the town where pipes shall be required, erect hydrants to be used for extinguishing fires; and they shall have liberty at all times, where the trunks shall be laid in and through any of the streets and alleys in said town, to suffer individuals to be supplied with water for domestic or manufacturing use, for such reasonable compensation as shall from time to time be agreed on by the company and such individuals, according to certain uniform rates which the president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers shall call in the capital stock by instalments as the same may be required, and if any stockholder shall neglect after thirty days notice published in one or more of the newspapers aforesaid, payment may be enforced as in other cases. And whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock, paid in half yearly on the first Tuesdays of January and July in each year, and shall publish the said dividend, and the place where the same will be paid, and shall cause the same to be paid accordingly.

SECT. 10. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, hydrants or any of them, or any of the works of said company erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the stream of water which shall be conveyed and brought into the town of Berwick by the said company, shall, on being thereof convicted before any justice of the peace in and for the county of Columbia

Liberty to lay pipes, &c.

Hydrants to be erected.

Individuals to be supplied with water by contract.

Penalty for neglect to pay instalments.

Dividend to be declared half yearly.

Penalty for injuring the pipes, &c.

or Luzerne, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding fifty nor less than five dollars, one half to the use of the poor of the county, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Time limited for proceeding in and completing the work.

SECT. 11. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within three years after the passing of this act, or shall not within five years afterwards complete the same so far as to have conveyed the water within the limits of the said town, in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

WILLIAM DAVIDSON, *Speaker*  
*of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-seventh day of January, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER XXIX.

*AN ACT*

To erect the town of Berwick, in the counties of Columbia and Luzerne, into a Borough.

The town of Berwick erected into a borough.

Limits thereof.

SECT. 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 the town of Berwick in the counties of Columbia and Luzerne shall be, and the same is hereby erected into a borough, to be called "The borough of Berwick," comprised within the limits drawn, purporting to be a town plot of said Berwick, by Evan Owens, made in the year one thousand seven hundred and eighty-six, beginning at the westerly shore of the north-east branch of the river Susquehanna, at the point where the road leading from Salem to Berwick intersects the town line of Berwick at the river; thence north thirty degrees, west to a post three hundred and five perches; thence south sixty degrees, west two hundred and seventy perches to a post; thence south thirty degrees, east to the Susquehanna river; thence up said river to the place of beginning.