

*Ellis Lewis 27-5*

**LAWS**

OF THE

*A.K.F.P.*

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**GENERAL ASSEMBLY**

OF THE

*143  
632*

**STATE OF PENNSYLVANIA,**

PASSED AT THE

**SESSION OF 1827-28. 21**

IN THE

**FIFTY-SECOND YEAR OF INDEPENDENCE.**



**Published by Authority.**

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1828.



but no children; that on the thirty-first day of January, one thousand eight hundred and twenty-six, the state of Delaware granted to the said Samuel Johnson, all the right, title and interest of the said state, in the personal estate of the said Charles Johnson, deceased, that the said Samuel Johnson has found it impracticable to recover the money aforesaid, from the executor of the last will and testament aforesaid, in London, ~~and~~ of the supposed right which the state of Pennsylvania may have in the same: 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,*

Right of the  
common-  
wealth to  
certain estate  
vested in S.  
Johnson,

That all the right, title claim and demand, which the commonwealth of Pennsylvania may have acquired, or now has by reason of an escheat from the want of heirs of Charles Johnson and of John Johnson, deceased, in or to the real and personal estate, which the said Charles Johnson was at the time of his death entitled to, or possessed of, and which the said John Johnson was at the time of his death entitled to, or possessed of, be and the same is hereby granted to and vested in Samuel Johnson, the natural brother of the said Charles Johnson and John Johnson, now deceased: *Provided*, That no other claim or right of this commonwealth, except that derived by escheat, shall pass by virtue of this act, nor shall any right or claim of the widow of the said John Johnson, deceased, or of any other individual be in any wise affected thereby.

Proviso.

NER MIDDLESWARTH, *Speaker*  
of the House of Representatives.

DANIEL STURGEON,  
*Speaker of the Senate.*

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and twenty-eight.

J. ANDW. SHULZE.

## No. 15.

### An Act

To incorporate the Bethany 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 same,*

That the present members of the "Bethany Water Company," that is to say: Abisha Woodward, Jacob S. Davis, Jason Torry, Isaac Roosa, Joseph Miller, Thomas Spangleberg,

Corporation  
created.

John Raymond, Ephraim Hamlin, Gorton Groves, Nathaniel B. Eldred, Amzi Fuller, their successors and assigns, shall be and they are hereby made and constituted a body politic and corporate, by the name, style and title of the "Bethany Water Company;" and by the same name, style and title shall have continual succession, and shall be able in law to sue and be sued, to plead and be impleaded, and to make, have and use a common seal, and all the privileges and franchises incident to a corporation, necessary for the purpose of supplying the inhabitants of the borough of Bethany with water, and for no other purpose whatever; and shall be capable of taking and holding the capital stock and the increase and 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 estates, real and personal, as shall be necessary in the prosecution of their works, and of doing every matter and thing which a corporation or body politic may lawfully do in the premises.

Style.

Powers and privileges.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any three or more of the stockholders shall as soon as conveniently may be after the passing of this act, give at least ten days notice, by at least three written or printed advertisements, to be put up at the most public places in the said borough of Bethany, of the time and place of the stockholders to meet and hold an election, for choosing by ballot, five managers, who shall be stockholders, to conduct the affairs of the said company until the first Monday of May, then next ensuing; and the said managers shall appoint one of their number president, 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 election for officers shall be held annually, on the first Monday of May, at such hour and place as may be appointed by the managers, of which at least ten days notice shall be given as aforesaid; and when vacancies happen the managers shall supply them from among the stockholders until the next annual election: *Provided,* that no stockholder not resident within the borough of Bethany shall be eligible as a manager or treasurer of said company: *And 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 a majority of the stockholders may prescribe.

How corporation shall be organised.

Of annual elections.

Proviso.

2d proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the president and managers, or any three of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well governing all the af-

Of by-laws.

Of special meetings.

Proviso.

Authority to bring water into the borough.

And to enter into lands and inclosures.

Proceedings where parties cannot agree as to damages

Proviso giving the right of appeal.

Persons may be supplied with water, &c.

fairs of the said 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 by-laws, rules and regulations shall in no case contravene the constitution and laws of this commonwealth.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said company may proceed and bring, introduce and convey water into the said borough of Bethany, in case of a deficiency in that already introduced, from such stream or spring as may be fixed on and purchased by the company for that purpose, 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, to be appointed, on application, by the court of common pleas in and for the county of Wayne, and who shall be duly sworn or affirmed justly and truly to make such assessment as the said company shall at all times, paying damages as aforesaid, have liberty to renew and repair the pipes or logs which have been already laid or which shall hereafter be 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 along roads and highways and the streets and alleys of the said borough of Bethany, and to renew and repair the same, shutting up and amending any breach which they may respectively make as soon as possible; and it shall be lawful for them to make cisterns and reservoirs, and to set hydrants in the streets or public ground in the said borough where it may be necessary: *Provided*, that in all cases where the damages assessed in the manner provided for in and by this section, shall exceed the sum of twenty dollars, either party may, within thirty days after such assessment shall be made and notice thereof given to the parties, appeal to the said court of common pleas of the county of Wayne; and in every case in which such appeal shall be taken like proceedings may be had as in other cases in said court.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said company shall have liberty at all times where the pipes shall be laid in and through any of the streets and alleys of the borough aforesaid 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 shall hereafter be adopted, having regard to the probable quantity of water which applicants are likely to consume.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That all necessary expenses which may be incurred by the said company in the erection of their works shall be equally divided and paid by the individual stockholders thereof; and in case the funds arising from the sale or rent of water privileges shall not be sufficient to keep the said work in repair, the deficiency (by the advice and consent of two-thirds of the stockholders) shall be equally divided and paid by the individual stockholders of the said company; and in case any stockholder shall neglect or refuse to pay his or her share or proportion of the reasonable expenses of the said company for erecting or repairing their said works, the same shall be collectable by action of debt before a competent tribunal in the name and for the use of the said company.

How expenses which may be incurred shall be paid.

Proceedings when stockholders refuse to pay their share of expenses.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully destroy or injure in any manner the pipes, cisterns, aqueducts, reservoirs, hydrants or any of them, or any of the work of said company, or shall wilfully corrupt or otherwise render unwholesome the stream of water which already is or hereafter shall be conveyed and brought into the said borough of Bethany by the said company, he, she or they shall, on being thereof convicted, before any justice of the peace in and for the county of Wayne, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding fifty dollars, one half to the treasurer of the said borough of Bethany, for the improvement of the streets and highways thereof, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Penalty for destroying or injuring works or corrupting the stream of water.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That the company hereby incorporated shall at no time be directly or indirectly engaged or concerned in any other business than such as shall be necessary to the exercise of the proper functions of such company, as expressly allowed in this act.

Company not to engage in other business.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That the legislature reserve the right to alter, amend or revoke the charter hereby granted.

Right reserved by the legislature.

**NER MIDDLESWARTH,** *Speaker  
of the House of Representatives.*

**DANIEL STURGEON,**  
*Speaker of the Senate.*

**APPROVED**—the twenty-first day of January, A. D. one thousand eight hundred and twenty-eight.

**J. AND W. SHULZE.**