

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 THIRD DAY OF DECEMBER,

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE FORTY-SEVENTH.

PUBLISHED BY AUTHORITY.

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1823.

States, for arms or other military property or stores, which passed between them during the late war, on such principles as he shall deem equitable and just, subject, however, to the approbation of the Governor of this Commonwealth, and render an account thereof to the next legislature.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCII.

AN ACT

To repeal an act entitled "An act to incorporate the old Columbia 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 from and after the passage of this act, the act entitled "An act to incorporate the old Columbia Water Company," passed the thirty-first March, one thousand eight hundred and twenty-one, be and the same is hereby repealed: *Provided,* That the powers granted to the president and managers of the said company, by the eighth section of the said act, to elect trustees to let or lease the public ground in the said borough, shall revert back to the inhabitants of said old Columbia, who shall possess and enjoy all the authorities and powers vested in them, by the fourteenth section of the act entitled "An act to incorporate the town of Columbia, in the county of Lancaster, passed the twenty-fifth February, one thousand eight hundred and fourteen, the provisions of which section are hereby revived and re-enacted as fully and effectually, to all intents and purposes, as if the same had never been altered or repealed.

Act of 31st
March, 1821,
repealed.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 That the president and managers of the said company shall direct their treasurer to pay over all the monies remaining in his hands, to the trustees hereafter to be elected by the inhabitants of the said old Columbia, by virtue of the fourteenth section of the act to incorporate the town of Columbia aforesaid.

Treasurer of
the company
to pay over
monies.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HESTER:

CHAPTER XCIII.

AN ACT

Authorising the Governor to incorporate the Columbia 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 Christian Brenneman, Jacob Forrey, Jacob Mathiot, James Clyde, and James Sweeney, 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 or before the first day of May next, procure a book and shall enter therein as follows: “We, the subscribers, promise to pay to the president and managers of the Columbia 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 Columbia Water Company.” Witness our hands, the day of in the year of our Lord one thousand eight hundred and twenty-three;” and shall, thereupon, give notice in six or more printed or written advertisements, put up in the most public places in the borough of Columbia, when and where the said books shall be opened to receive subscriptions of stock, which place shall be

Commissioners appointed to receive subscriptions of stock.

Notice to be given.

within the borough of Columbia, 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 three on the first day; and the said book shall be kept open two days, or until four 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 afterwards, open the book for the subscription of shares till 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 by him, out of which shall be defrayed the expenses 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 hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty or more persons shall have subscribed one hundred shares of the said stock, or more, 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 Columbia Water Company," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, necessary for the purpose of supplying the inhabitants of the borough of Columbia 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 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. *Provided*, That the yearly income of the said real estate shall not exceed the sum of five thousand dollars.

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 fifteen days notice in six or more printed or written advertisements, put up in the most public places within the borough of Columbia aforesaid, of the time and place for the subscribers

Who may
subscribe.

Whole num-
ber of shares.

Proviso.

When letters
patent may
issue.

Style.

Powers and
privileges.

Proviso rela-
tive to yearly
income.

Mode of or-
ganising the
corporation.

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 Monday 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 five; but no stockholder shall be entitled to more than five votes at any election, and the said managers shall appoint one of their number, president of the 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 election for officers, shall be held annually, on the first Monday in January, at the town hall, in the borough of Columbia, of which at least fifteen days notice shall be given, in six or more printed or written advertisements, put up in the most public places within the borough of Columbia. And when vacancies happen, the managers shall supply them, from time to time, from among the stockholders, until the next annual election: *Provided*, That no stockholder not residing within the borough of Columbia, shall be eligible as a manager or treasurer of the 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 heretofore directed to be given for elections: *And provided also*, That the managers shall not be entitled to receive any compensation for their services.

Nine managers to be chosen.

President to be appointed.

Of the treasurer & other officers.

Annual election.

Proviso.

2d Proviso.

3d Proviso.

SECT. 4. *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 of the stock of the said company, and shall give one such certificate signed by the president, and 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 of stock how and when issued.

How transferable.

SECT. 5. *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, when any circumstances shall occur, which may

Power to make bye-laws.

Proviso:

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.

Of meetings
of President
& managers.

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 their 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 the 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.

Minutes to
be kept.

May contract
with work-
men, &c.

Duty of pres-
ident & man-
agers.

SECT. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the president and managers, as soon may be, after the company shall be organised, to proceed to bring and convey, some stream of water, within the said borough of Columbia, by means of pipes, trunks, or aqueducts; and also, to provide suitable 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, then on application made to the court of common pleas, in and for the county of Lancaster, the said court shall appoint three disinterested freeholders, who after being duly sworn or affirmed, justly and truly, to assess such damages they shall view, and assess the same. And the president and managers, shall at all times, (paying damages as aforesaid,) have liberty to renew and repair the pipes, wherever laid on, and through private property, doing as little damage as possible; and shall also, have liberty at all times, to dig and lay pipes, along roads and highways, and the streets and alleys, of the borough of Columbia, 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, in the said borough, where the same may be necessary.

May dig and
lay pipes.

Making
amends.

Proceedings
where parties
cannot
agree.

Power to re-
new and lay
pipes.

And make
cisterns, &c.

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 borough of Columbia, where pipes shall be required,

erect hydrants, to be used solely for extinguishing fires, and they shall have liberty at all times, where the pipes shall be laid in, and through any of the streets and alleys, in said borough, 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 such applicants are likely to consume.

Hydrants to be erected, &c.

Individuals to be supplied with water.

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 six or more printed or written advertisements, put up in the most public places within the borough of Columbia 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 and managers shall declare a dividend on the stock, paid in half yearly, on the first Mondays of February and August, 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: *Provided,* That whenever the clear annual income of the company shall exceed ten per cent. on the capital stock, the water rents or sums of money charged for the use of water, shall be regulated in such manner, that the average dividend declared shall never exceed that rate.

Of the capital stock.

When dividends are to be declared.

Proviso.

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 the 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 borough of Columbia, by the said company, shall, on being thereof convicted, before any justice of the peace, in and for the county of Lancaster, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding twenty 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.

Penalty for injuring works, or rendering water unwholesome.

How recoverable.

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 borough of Columbia, in either of these cases, all and singular the rights, lib-

Limitation.

erties and franchises, hereby granted to the said company, shall revert to this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the *House of Representatives.*

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCIV.

A Further Supplement

To the act entitled “An act to incorporate the city of Lancaster.”

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 all the acts and proceedings of the constables, elected by the freemen of the city of Lancaster, under the authority of an ordinance of the said city, passed on the seventh day of March, one thousand eight hundred and twenty, entitled “An ordinance repealing part of the fourth section of an ordinance, entitled an ordinance for the organization of the city of Lancaster,” be and the same are hereby ratified, confirmed and rendered valid, in the same degree and to the same extent as they would have been had the constables aforesaid been appointed by the select and common councils of the said city, in common councils assembled, or by the mayor of the said city, under the authority of an ordinance, duly enacted by the select and common councils, vesting in such mayor the appointment aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the high constable and the four city constables, elected by the freemen of the city of Lancaster, on the first Tuesday in February last, under the authority of the ordinance aforesaid, shall be and continue in office, until the first Tuesday in February next, and they shall be under the same restrictions and have the same duties to perform as are prescribed by the act of incorporation of the city aforesaid, or by the ordinances duly ordained and enacted, or which may hereafter be duly enacted and ordained by the corporation of the said city.

Proceedings
of constables
elected under
a certain or-
dinance of
the city,
ratified.

Present con-
stables to
continue un-
til the first
Tuesday of
February,
1824.