

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 FIRST DAY OF DECEMBER,

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

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE FORTY-THIRD.

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

HARRISBURG:

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1819.

vested in Patrick Miller, late of Huntingdon county, now of Butler county, his heirs and assigns forever: *Provided*, That nothing in this act shall prejudice the rights of individuals.

REES HILL, *Speaker of the
House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the sixteenth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

CHAPTER LXXXII.

AN ACT

Authorising the Governor to incorporate the Reading 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 John Spayd, Frederick Heller, John Addams, Commissioners named. George D. B. Keim and John Berkenbine, or any four 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 enter therein as follows, “ We the subscribers Engagement of subscribers. promise to pay to the president and managers of the Reading 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 Reading Water company.” Witness our hands the day of in the year of our Lord one thousand eight hundred and ” and shall thereupon give notice in one or more of the newspapers published in the borough of Reading, for the space of two weeks or more, when and where within the said borough the said book will be opened to receive subscriptions of stock. At which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, Subscriptions to be taken. either in their own names or in the name of others, when they shall appear to be duly authorised to subscribe, for any

Number of shares. number of shares in the said stock, not exceeding four on the first day, and the said books shall be kept open for three successive days, unless four hundred shares shall have been sooner subscribed. And if within the said three days, the said four hundred shares shall not be subscribed, then 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, until the whole number aforesaid shall be subscribed: *Provided*, That every person offering to subscribe in the said book, in his own name or 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 hereinafter mentioned.

Further time for subscribing.

Proviso.

§2 a share to be paid on subscribing.

When letters patent may issue.

Style and title Powers and privileges.

Proceeding to organise the coporation.

Managers to be chosen.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when thirty or more persons shall have subscribed two hundred 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 Reading 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 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 borough of Reading, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose by ballot from among the stockholders, resident in the said borough, nine managers to conduct the affairs of the company, until the second Monday in May then next ensuing. And in all elec-

tions, each stockholder shall be entitled to one vote for each share bona fide held by him, not exceeding five. And for every five shares above the first five, and not exceeding twenty, one vote; and no stockholder shall be entitled to more than eight 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. And the said president and managers shall appoint one of the stockholders, residing in the said borough and not being a member of the board, treasurer of the company. And shall also have power to appoint such other officers and agents as may be necessary. And the elections for officers thereafter, shall be held annually on the second Monday in May, at such place within the said borough 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 borough. 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 within the said borough, and after such notice as the board of managers may prescribe.

Voting.

President.

Treasurer.

Other officers elections when held.

Vacancies how supplied

Proviso as to misnomers or failure to elect.

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 by-laws, rules and regulations, as shall not contravene the constitution and laws of the United States, or of this commonwealth; and may be necessary or expedient for the well governing the affairs of the company, and they shall also have power to call special meetings of the stockholders, whenever any circumstances occur which may render it necessary to consult them.

By-laws.

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 of the stock of the said company, and shall deliver 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.

Common seal

Certificates of stock to be issued.

How transferable.

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 by-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 purpose. 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 the monies that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations; and generally to do all such other matters and things as by this act or their by-laws, rules and regulations, they shall be authorised to do.

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 to bring and convey into the borough of Reading, by means of pipes, trunks, aqueducts, or other means, some spring or stream of water from the neighborhood of the said borough, the right to which shall have been previously vested in the said company; and also to provide proper cisterns or reservoirs, for the reception thereof. And for the purpose aforesaid, they may enter into such lands and enclosures, as may be necessary; and to dig ditches and lay pipes and trunks through the same, 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 under oath or affirmation, by three disinterested persons, to be appointed on application by the court of common pleas, in and for the county of Berks. And the president and managers shall at all times (paying the damages as aforesaid) have liberty to renew and repair the said pipes or trunks wherever laid; and shall also have liberty at all times, to dig and lay pipes or trunks along roads and highways, and along the streets and alleys and public grounds in the said borough, and to renew and repair the same, shutting up and amending any breaches which they may make as soon as possible. And it shall also be lawful for them to make cisterns or reservoirs in the streets or public ground in the said borough, when the same may be deemed 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 said borough, where pipes shall have been laid, erect hydrants to be used solely for the extinguish

ment of fires; and they shall suffer individuals at all times to be supplied with water from the said pipes, for domestic or manufacturing use, for such reasonable compensation as shall from time to time be agreed upon by the said president and managers; and such individuals according to certain uniform rates, which the said president and managers shall hereafter adopt; having regard to the probable quantity of water which applicants are likely to consume, and to their distance from the place whence the water is to be drawn. And any person within the said borough who shall take any of the said water for domestic or manufacturing use, without having previously contracted for the same with the said president and managers, shall forfeit and pay for every such offence the sum of one dollar, to the said president and managers, to be recovered before a justice of the peace, in the same manner as debts of equal amount are now recoverable: *Provided*, That nothing herein contained shall be construed to compel the inhabitants of the said borough to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

Supply of water to individuals.

Penalty for using the water without contract.

Proviso.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the president and managers shall call in the capital stock of the said company by instalments, as the same may be requisite for the prosecution of the said work. And if any stockholder shall neglect to pay his instalments after thirty days notice, published in one or more of the newspapers printed in the said borough, then payment thereof may be enforced as in other cases. And whenever the debts of the said company shall have been 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 in 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.

Stock to be called for in instalments.

Penalty for not paying them up.

Dividend when to be declared and paid.

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, or reservoirs, hydrants, buildings, or machinery, 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 spring or stream of water, which shall be conveyed or brought into the borough of Reading, by the said company, shall, on being thereof convicted, before any justice of the peace, in and for the county of Berks, by the oath or affirmation of one or more credible witnesses, pay a fine not less than five nor more than twenty dollars, one half to the use of the poor of the said borough, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Penalty for injuring the pipes, &c. or corrupting the water.

SECT. 11. *And be it further enacted by the authority aforesaid*

Time for pro-ceeding in and carrying on the work. *said*, 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 borough of Reading, all and singular the rights, liberties and franchises, hereby granted to the said company, shall revert to this commonwealth.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER, *Speaker of the Senate.*

APPROVED—the sixteenth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

CHAPTER LXXXIII.

AN ACT

To authorise the respective courts of quarter sessions, in the counties of Schuylkill, Northampton and Redford, to direct reviews of part of certain state roads therein mentioned.

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 court of quarter sessions of the peace of Schuylkill county, be, and they are hereby directed to appoint six suitable persons to review that part of the state road, laid out from Orwigsburg, in Schuylkill county, to Milford, in Pike county, as the same passes through the farm of Sebastian Longenberger, in the township of West Penn, in Schuylkill county aforesaid; and if on the report of the reviewers or any five of them, making an alteration in said road, the court should confirm the same, which they are hereby authorised to do, a draft with the courses and distances of said road, so altered and confirmed, shall be filed with the clerk of said court, who shall transmit a duplicate thereof to the Secretary of the Commonwealth; and the road so laid out, shall be a part of the state road aforesaid, and that part rendered unnecessary, shall be vacated; and the expenses incurred, shall be paid by a warrant or warrants, drawn by the commissioners, on the treasurer of Schuylkill county, who is hereby directed to pay the same.

Six reviewers to be appointed.

Drafts to be filed.

Expenses now paid.