

*Public Office*

**ACTS**

OF THE

**General Assembly**

OF THE

1825-26

**COMMONWEALTH**

OF

**PENNSYLVANIA,**

PASSED AT A SESSION WHICH WAS BEGUN AND HELD

AT THE

**Borough of Harrisburg**

ON

**TUESDAY, THE SIXTH DAY OF DECEMBER,**

**IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE**

AND OF THE

**INDEPENDENCE**

OF THE

**UNITED STATES OF AMERICA**

**THE FIFTIETH.**

**PUBLISHED BY AUTHORITY.**

**HARRISBURG:**

PRINTED BY CAMERON & KRAUSE

**1826.**



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## CHAPTER CVIII.

## AN ACT

Authorising the Governor to incorporate the Womelsdorf 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 Peter Ecker, Frederick A. Shulze, Conrad Manner, Michael Petrie and John Stough, 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 promise to

Commissioners appointed to receive subscriptions of stock.

pay to the president and managers of the Womelsdorf Water Company, the sum of ten 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 Womelsdorf Water Company.” Witness our hands the day of \_\_\_\_\_ in the year of our Lord one thou-

Form of subscription.

sand eight hundred and \_\_\_\_\_.” And shall thereupon

give notice in one or more of the newspapers published in the county of Berks, or by printed hand bills set up in six of the most public places in the town of Womelsdorf, for the space of two weeks or more, when and where within the said town, 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 either in their own name or in the names of others when they shall appear to be duly authorised, to subscribe for any number of shares in said book not exceeding five on the first day, and the said book shall be kept open for

Notice of the time & place of opening books to be given.

three successive days, unless four hundred and fifty shares shall have been sooner subscribed; and if within the said three days the said commissioners or the officers of the company after the same shall have been organized, may at any time afterwards open the books for the subscription of shares, at such place as the said company or a majority of them shall deem proper, giving notice of the time and place aforesaid, until the whole number aforesaid shall be subscribed: *Provided,*

Whole number of shares

That every person offering to subscribe in the said book in his name, or in the name of any other person, shall previously pay to the attending commissioners or officers, one dollar 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

Proviso.

the same shall be organized and the officers chosen as hereinafter mentioned.

**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 Womelsdorf 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

<p>When letters patent may be issued to the company</p> <p>Style.</p> <p>Powers and privileges.</p> <p>Notice of the time and place of organizing the corporation to be given.</p> <p>Of managers.</p> <p>Number of votes to be given regulated.</p> <p>Of the president.</p> <p>Of treasurer and other officers.</p> <p>Of annual elections.</p>	<p>soon as conveniently may be after the letters patent are obtained, give at least ten days notice, in one or more newspapers printed in the county of Berks, or by printed handbills, set up in six of the most public places in the town of Womelsdorf, 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 said town, five managers, to conduct the affairs of the company until the first day of September 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 two, and for every five shares above the 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 town 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 election for officers thereafter shall be held annually on the first Monday in May, at such place within the said town as may be appointed by the managers, of which at least ten days notice</p>
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shall be given in one or more newspapers printed in the county of Berks; 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 town, and after such notice, as the board of managers may prescribe.

SECT. 4. *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 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.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers shall procure a common seal, and the certificate 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 such 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 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 which he would have been entitled if he had been an original subscriber.

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, three 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 work, as well as to uphold, alter and repair the same, and also to fix the times and manner, in what proportion the

*Proviso.*

Power to make by-laws, &c.

And call special meetings.

Of the seal.

Of certificates of stock.

Of their transfer.

Rights and powers of assignees.

Of special meetings.

Minutes to be kept.

Powers of the board of managers.

stockholders shall pay the moneys due on their respective shares, and to draw on the treasurer for all the moneys 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 by 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 town of Womelsdorf, by means of pipes, trunks or aqueducts, or other means, some spring or stream of water from the neighborhood of the said town, the right of 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 the 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 said 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 town, 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 grounds in the said town where 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 town where pipes shall have been laid, erect hydrants to be used solely for the extinguishment 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 agreed to the probable quantity of water which applicants are likely to consume, and the distance from the place whence the water is to be drawn. And any person within said town who shall take away any of the water for domestic or manufacturing use without having previously contracted for the same with the said president and managers, shall for-

Water to be brought into the town by means of pipes, &c.

Cisterns be provided.

Authority to enter upon lands.

Proceedings where parties cannot agree as to damages.

Power to renew and repair pipes, &c.

Hydrants to be erected.

Individuals may be supplied with water for domestic use

Penalty for using water without permission.

feit 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 by law recoverable: *Provided*, That nothing herein contained shall be construed to compel the inhabitants of said town to use the water so introduced by the said company, or to prevent them from using water obtained in any other way. 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 instalment, 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 newspapers published in the county of Berks, the 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 dividends, and the place where the same will be paid, and shall cause the same to be paid accordingly. Capital stock to be paid by instalments. Penalty for neglecting to pay them. When dividends shall be declared.

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 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 will be conveyed or brought into the town of Womelsdorf by the said company, shall on being thereof convicted before any justice of the peace in and for the county of Berks, by 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 county of Berks, and the other half to the informer, and shall moreover be liable for all damages to the company. Penalty on persons for injuring works or corrupting water.

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 five years after the passing of this act, or shall not within ten years afterwards complete the same so far as to have conveyed the water within the limits of said town, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth. Time for commencing and completing the work.

JOSEPH RITNER, *Speaker*  
of the House of Representatives.  
ALEXANDER MAHON,  
*Speaker of the Senate.*

APPROVED—the tenth day of April, one thousand eight hundred and twenty-six.

J. ANDW. SHULZE.