

L A W S

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1850,

IN THE

SEVENTY-FOURTH YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:

J. M. G. LESCURE, PRINTER TO THE STATE.

.....
1850.

No. 332.

A N A C T

To authorize the governor to incorporate the Berrysburg water company, in Dauphin county.

SECTION 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 Bordner, Henry C. Beshler, Jeremiah Harmer, David F. Hoff-
 man, A. B. Sprout and John Miller, or any four of them, are hereby Commissioners. 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 June next, procure a book and enter therein as follows: We, the subscribers, promise to pay to the president and managers of the Berrysburg water company, the sum of ten dollars for every share set opposite to our respective names, in such manner and proportion and at such times as shall be determined by the said company, in pursuance of an act of the general assembly, entitled "An Act authorizing the governor to incorporate the Berrysburg water company." Witness our Form of sub-
scription. hands the _____ day of _____ in the year of our Lord, one thousand eight hundred and fifty; and shall thereupon give public notice in handbills or otherwise, within the said town and township of Mifflin, 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 names, or in the names of others, when they shall appear to be duly authorized, to subscribe for any number of shares in the said book, not exceeding five on the first day, and the said book shall be kept open for three successive days, unless one hundred shares shall be sooner subscribed; and if within the said three days the said one hundred shares shall not be subscribed, then the said commissioners, or the officers of the company, after the same shall have been organized, 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 commissioner 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 said corporation as soon as the same shall be organized, and the officers chosen as is hereinafter mentioned.

SECTION 2. That when twenty or more persons shall have subscribed fifty 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 Letters patent. 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 Style. title of "The Berrysburg water company," by which name the said

Privileges. 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 subscription, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them their 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.

Organization. SECTION 3. 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, by handbills or otherwise put up in the town of Berrysburg, 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 town, seven managers to conduct the affairs of said company until the second Monday of July then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him; 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 elections for officers thereafter shall be held annually, on the second Monday of September, at such place within the said town as may be appointed by the managers, of which at least ten days' notice shall be given by handbills or otherwise; and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That no misnomer or 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.

Misnomer. SECTION 4. 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 president, countersigned by the treasurer, and sealed as aforesaid, unto each person for every share held by him or her as soon as five dollars shall be paid on such share; and every such certificate shall be transferable in person or by attorney duly authorized, 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.

Seal. SECTION 5. That the president and managers, or any five of them, shall have power to adopt such by-laws and regulations as do 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 company whenever any circumstances occur which may render it necessary to consult them.

Certificates of stock transferable.

By-laws.

SECTION 6. That the president and managers shall meet at such times and places as shall be directed by the 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 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 moneys due on their respective shares; and to draw on the treasurer for all 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 their by-laws, rules and regulations, they shall be authorized to do.

SECTION 7. That it shall be the duty of the president and managers as soon as may be after the company shall be organized, to proceed to bring and convey into the town of Berrysburg, by means of pipes, trunks, aqueduct, forcing pumps, or other machinery, some spring or stream of water from the neighborhood of said town, the right to which shall have previously been vested in the said company; and also, to provide proper cisterns or reservoirs for the reception thereof: and for that purpose they may enter into such lands and enclosures as may be necessary, and to dig ditches and to lay pipes or trunks through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done to them, when the parties cannot agree, according to an assessment made under oath of affirmation by three disinterested persons to be appointed on application, by the court of common pleas in and for the county of Dauphin; and the president and managers shall at all times, paying 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 streets and alleys of the said town, 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 or reservoirs in the streets or public grounds of said town, where the same may be deemed necessary.

SECTION 8. That the said president and managers shall, in such streets or parts of said town where pipes shall have been laid, erect hydrants to be used solely for extinguishing fires; and they shall suffer individuals at all times to be supplied with water from the said pipes for domestic or manufacturing, 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 where the water is to be drawn; and any person within the said town who shall take any of the said water for domestic or manufacturing use, without having previously contracted for the same with 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 town to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

Quorum.

President and managers, duties and powers of.

Enter upon lands.

Damages, how adjusted.

Erect hydrants for extinguishing fires, &c.

SECTION 9. That the president and managers shall call in the capital stock of the company by instalments, as the same may be required for the prosecution of the said work; and if any stockholder shall neglect to pay his instalments, after thirty days' public notice by hand-bills or otherwise, in the said town, 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 shall declare a dividend on the stock paid in half yearly on the first Monday 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.

Penalty for injury to works.

SECTION 10. That every 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 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 and brought in the town of Berrysburg by the said company, shall, on being thereof convicted before any justice of the peace in and for the county of Dauphin, 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 town, and the other half to the informer.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 333.

AN ACT

To incorporate the Schuylkill Haven mutual life and health insurance company of Schuylkill Haven.

SECTION 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 Henry Saylor, Daniel Lavenberg, Jacob Huntzinger, junior, Joseph W. Cake, Joseph Shomo, Charles Clemmens, Michael Fritz, Charles Huntzinger, John Rudy, John H. Adam, Charles W. Hegins, John G. Koehler and John W. Shoemaker, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of "The Schuylkill Haven mutual life and health insurance company

Corporators.

Style.