

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 SIXTIEN,

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE

FORTY-FIRST.

PUBLISHED BY AUTHORITY.

HARRISBURG:

PRINTED BY C. GLEIM, CORNER OF THIRD AND WALNUT STREETS.

1817.

CHAPTER CXXXIX.

AN ACT

Authorising the Governor to incorporate the Chambersburg 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 Thomas Hartley Crawford, Philip Berlin, George Brown, James Wright and Jacob Grove, or any four of them, are hereby appointed commissioners to do and perform the several matters and things hereafter 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 pay to the president and managers of the Chambersburg water company, the sum of twenty-five dollars for every share of stock 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 Chambersburg water company.' Witness our hands the day of in the year of our Lord one thousand eight hundred and seventeen." And shall thereupon give notice in one or more of the newspapers printed in the borough of Chambersburg, for the space of two weeks or more, when and where the said book shall be opened to receive subscriptions of stock, which place shall be within the said borough; 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 four on the first day; and the said book shall be kept open four days, or until eight hundred shares shall have been subscribed; and 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, till 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 organized and the officers chosen as is hereinafter mentioned.

Commissioners names.

Their first duty.

When books shall be opened to receive subscriptions.

Proviso

SECT. 2. *And be it further enacted by the authority aforesaid,* That when thirty or more persons shall have subscrib-

ed 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 Chambersburg 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 the 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.

Of letters patent.

Style of the company.

Powers of.

Election of officers.

Of annual elections.

Proviso.

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 Chambersburg, of the time and place for the subscribers 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 February 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 their 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 elections for officers shall be held annually on the first Monday of February, at such place 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 stockholder, not resident within the borough of Chambersburg, shall be eligible as 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 the board of managers may prescribe.

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 may be deemed expedient for the well-governing the affairs of the company, and shall also have powers 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 wise contravene the constitution and laws of this Commonwealth.

Of by-laws and special meetings.

Provisō.

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, 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 subscrib̄er.

Company shall have a seal.

Certificates of shares.

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 into 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 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.

Of a quorum and their powers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers,

President and managers to lay pipes, &c.
 And pay all damages.
 May lay pipes along roads, &c.

as soon as may be after the company shall be organized, to proceed and bring, introduce and convey water into the borough of Chambersburg aforesaid. from such stream or spring as may be fixed on or purchased by the president and managers 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 Franklin, and who shall be duly sworn and affirmed, justly and truly to make such assessment, reserving, nevertheless, to all those who may be affected by the diversion of the water, or by laying trunks through their lands, the full effect of the conditions and reservations in their respective concessions already made; and the president and managers shall at all times (paying damages as aforesaid) have liberty to renew and repair the trunks, wherever 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 and trunks along roads and highways, and the streets and alleys of the borough of Chambersburg, 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 or public ground in the said borough, where the same may be necessary.

May erect hydrants.

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 where pipes shall be required, erect hydrants, to be used solely for extinguishing fires: and they shall have liberty at all times where the trunks 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 applicants are likely to consume.

Of instalments.

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 one or more of the newspapers of said borough, 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 shall declare

a dividend on the stock paid in, half yearly, on the first Mondays 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.

SECT. 10. *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, aqueducts, cisterns, reservoirs, hydrants, 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 stream of water which shall be conveyed and brought into the borough of Chambersburg 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 Franklin, 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 property of the company.

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, in either of these cases all and singular the rights, liberties and franchises, hereby granted to the said company, shall revert to this Commonwealth. Company to complete said work in 5 years.

SECT. 12. *And be it farther enacted by the authority aforesaid,* That the said company shall not have power to issue any note or notes in the nature of bank notes, to be indorsers on any note or notes in their corporate capacity, or to make discounts or receive deposits after the manner of any bank or banks, and in case the said company should, at any time hereafter, act contrary to the provisions contained in this section, their chartered privileges shall be null and void. By issuing notes the company forfeit their charter.

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

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-fourth day of March, one thousand eight hundred and seventeen.

SIMON SNYDER.