

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 FIFTH DAY OF DECEMBER,

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

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE FORTY-FIFTH.

PUBLISHED BY AUTHORITY.

HARRISBURG:

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1821.

CHAPTER CVIII.

AN ACT

To incorporate the "Old Columbia Water Company."

WHEREAS by the fourteenth section of the act incorporating the borough of Columbia, in the county of Lancaster, passed the twenty-fifth of February, one thousand eight hundred and fourteen, it is expressly excepted out of the power of the corporation, to take or hold the profits, rents and emoluments, arising from a certain piece of ground called public ground, (given by Samuel Wright, the original proprietor of that part of the town called Old Columbia,) but that the inhabitants, in said original town, shall have the power annually, at an election to be held for that purpose, at such time and place as the majority of the inhabitants in said original town shall direct, to choose five trustees, who shall be inhabitants of said original town, whose duty it shall be to let or lease the aforesaid public ground to the best advantage, and the proceeds arising therefrom shall be appropriated in such manner as a majority of the inhabitants in said original town may direct, at a meeting to be held annually for that purpose, on the second Tuesday in November. And whereas a considerable sum of money is now on hand, arising from the rents of said public ground, and at a meeting of the inhabitants of said Old Columbia, held on Tuesday the fourteenth of November last past, in order to take into consideration and come to a determination what should be done with the money now on hands, arising from the rents of the public ground, it was determined and decided upon by the meeting, that the whole of the monies arising from the rents of the public ground, should be appropriated and applied to the purpose of bringing or conveying a sufficient supply of water into the said Old Columbia, for the use of the inhabitants and to extinguish fires therein :

Therefore,

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 it shall and may be lawful for the inhabitants of Old Columbia, owners of lots or parts thereof, to meet at the town house in the borough of Columbia, on the third Saturday in April next, between the hours of one and six o'clock in the afternoon, then and there to elect by ballot, ^{When the first election of 7 managers shall be held,} seven managers, who shall be owners of lots or parts thereof, in said town, and resident therein, and who shall be termed, Managers of the Old Columbia Water Company, and the like number shall be annually elected on the first Saturday of April thereafter, in manner aforesaid, of which election ^{And after wards annually} public notice shall be given at least five days previous thereto, ally.

Penalty for refusing to serve.

Managers to appoint certain officers.

Company incorporated, and their style and title.

Powers and privileges.

May make by-laws.

Provide.

Of their time of meeting.
Of a quorum.

by written or printed notices put up at least in five public places in said town, and any manager so elected shall not receive any pay for his services while he continues to be such, and any person elected a manager as aforesaid and refusing to serve, or enter on the duties thereof, he shall pay a fine of five dollars, to be recovered as debts under one hundred dollars are by law recoverable, and the said fine shall be paid into the treasury of the corporation: *Provided*, that no person shall be obliged to serve more than once in every three years: *And provided*, that no misnomer nor failure of election of managers on the day appointed, shall discontinue or dissolve the corporation, but the managers shall continue in office until a new election, and the said managers shall have the power to appoint one of their number for president, and shall also appoint a treasurer who shall act as secretary to the managers, and be a resident in said town, and when any vacancies happen, the managers shall have power to supply their place from amongst the resident holders of lots or parts thereof in said town, until the next election, and they shall be subject to the like fine for not taking upon them the duties of their appointment, and the said president and managers shall have perpetual succession, by the name, style, and title of "The President and Managers of the Old Columbia Water Company," and by the same name, style, and title, they shall be and are hereby made able and capable in law, to sue and be sued, implead and be impleaded, and to enjoy all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the monies now appropriated and those hereafter arising from the rents of the public ground, and the increase and profits thereof, 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, any such lands, tenements, hereditaments and estate, real or personal, as shall be necessary in the prosecution of their works.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the president and managers, or any four 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 corporation, and shall also have power to call special meetings of the holders of lots, or parts thereof, of said old Columbia, whenever any circumstances occur which may render it necessary to consult them: *Provided*, That such by-laws, rules and regulations shall in nowise contravene the constitution and laws of the United States or of this commonwealth.

SECT. 3. *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 four members shall form a quorum, and in the absence of the president a chairman shall be chosen, and all their trans-

actions 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 that 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 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.

Minutes to be kept.

May contract with workmen, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers as soon as the corporation shall be organized, to proceed to bring and convey some stream of water from the neighborhood, into the said Old Columbia, by means of pipes, trunks, or aqueducts, and also to provide proper cisterns or reservoirs for the reception thereof, and they shall also have liberty at all times to dig and lay pipes and trunks along roads and highways, and the streets and alleys of said Old 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 or public ground in said Old Columbia.

Duty of the president and managers.

To dig, lay and repair pipes.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, in such streets or parts of said Old 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 trunks shall be laid in and through any of the streets and alleys in said Old Columbia, (and which may be extended to other parts of the borough, whenever they shall find it necessary or proper) 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 corporation; 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, and any person within the said Old Columbia, 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.

Hydrants to be erected and used, &c.

Of supplying individuals with water.

Penalty for taking water without a previous contract.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers shall, whenever the works shall be completed, and a sufficiency of water brought

Dividends
payable half
yearly.

Proviso.

Penalty on
injuring the
works, &c.

When the
power of
certain trustees
shall
cease and be
vested in the
president
and managers.

Legislature
may extend
benefits.

into said Old Columbia, and the debts of the corporation be fully paid, and the income shall exceed the expenses of the corporation, the president shall declare a dividend of the profits half yearly on the first Mondays of January and July in each and every 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, in proportions to each owner of a whole lot, (agreeably to the original plan of said Old Columbia) and those owning part of said lots in proportion to the fractional parts thereof held by them: *Provided*, That the dividends so declared shall not exceed six per cent in any one year.

SECT. 7. *And be it further enacted by the authority aforesaid*, That any person or persons 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 said corporation, 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 said Old Columbia, by the said corporation, shall on being convicted thereof before a 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 of not less than five, and 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 corporation.

SECT. 8. *And be it further enacted by the authority aforesaid*, That from and after the third Saturday in April next, the powers granted to the inhabitants of said Old Columbia, to elect five trustees to let or lease the public ground, shall cease and determine, and that the power and authority heretofore vested in them, shall be vested in the president and managers of the Old Columbia Water Company, who shall have the power to let or lease the public ground belonging to the inhabitants of Old Columbia, and apply the proceeds arising therefrom, (or so much thereof as may be found necessary) to the purpose of bringing a supply of water into said town, and as soon as the said Old Columbia is incorporated for that purpose, and a treasurer appointed by the said president and managers of the Water Company, the said trustees shall require their treasurer to pay over to him the monies which he may have in his hands appropriated for the purpose as aforesaid.

SECT. 9. *And be it further enacted by the authority aforesaid*, That nothing contained in this act shall be so construed as to prevent the legislature, if hereafter it shall be deemed expedient, from extending all the benefits and provisions of this act, to the inhabitants of the whole borough of Columbia, as fully to all intents and purposes as they are hereby granted

to the inhabitants residing within the boundaries of Old Columbia.

JOHN GILMORE, *Speaker*
of the *House of Representatives*.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.

CHAPTER CIX.

AN ACT

Respecting the erection of certain gates on the York and Gettysburg and the Milford and Owego turnpike roads.

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 no toll gate shall be erected or set up on the York and Gettysburg turnpike road, within half a mile of the borough of York; and the gate now erected in the town called Buttstown, shall be removed by the president, managers and company of said road, within six months after the passing of this act, to a distance not less than one half mile from the borough of York.

No toll gate to be erected within half a mile of York borough,

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, no toll gate shall be erected, kept or maintained across the Milford and Owego turnpike road, within two miles of the town of Milford, in Pike county.

Nor within two miles of the town of Milford.

JOHN GILMORE, *Speaker*
of the *House of Representatives*.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.