

**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 TWENTY-TWO**

AND OF THE

**INDEPENDENCE**

OF THE

**UNITED STATES OF AMERICA**

**THE FORTY-SEVENTH.**

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PUBLISHED BY AUTHORITY.

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**1823.**

missioners, the sum of two dollars for every share subscribed, agreeably to the proviso of the first section of the act to which this is a supplement, be construed to exonerate the person or persons subscribing, in manner aforesaid, from payment of the amount due on the share or shares which he or they respectively may have subscribed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered and supplied, be, and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*  
of the House of Representatives

WILLIAM MARKS, Junr.  
*Speaker of the Senate.*

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

## CHAPTER XXII.

### AN ACT

To incorporate the Gettysburg 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 the present members of the Gettysburg water company, that is to say, John M'Conaughy, John Hersh, J. B. M'Pherson, Alexander Cobean, Bernard Gilbert, George Smyser, Walter Smith, Samuel H. Buehler, John Herbest, David M'Conaughy, James Dobben, Robert G. Harper, Sampson S. King, Michael C. Clarkson, James A. Thompson, Adam Walter, Jacob Winterode, John Ermon, Thaddeus Stevens, William M'Clellan, junr. Charles S. Diterline, James Scandling, George Zigler, David Zigler, Robert Hunter, Jacob Eyster, Ephraim Martin, John Garvin, Ann Giffin, Michael Bobst, James Gettys, George Arnold, Robert Golder, Thomas J. Cooper, John Arendt and John Lisle, their successors and assigns shall be, and they are hereby made and constituted a body politic and corporate, by the name, style and title of "The Gettysburg Water Company;" and by the same name, style and title, shall have continual succession, and shall be able in law to sue and be sued, to plead and be impleaded, and to make, have and use a common seal, and all the privileges and franchises incident to a corporation, necessary for the purpose

Present members constituted a body politic and corporate.

Style of the company.

Powers and privileges.

of supplying the inhabitants of the town of Gettysburg with water, and for no other purpose whatever; 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 estates, real and personal, as shall be necessary in the prosecution of their works, and of doing every matter and thing which a corporation or body politic may lawfully do in the premises: *Provided*, That the yearly income of the said real estate shall not exceed the sum of five thousand dollars.

Proviso.

Notice of the time and place of election to be given.

Of voting.

Of officers.

Annual election, when to be held.

Of vacancies.

Proviso.

2d proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That any three or more of the stockholders shall, as soon as conveniently may be, after the passing of this act, give at least ten days notice in one or more of the newspapers printed in the borough of Gettysburg, of the time and place of the stockholders to meet and hold an election, for choosing by ballot, five managers, who shall be stockholders, to conduct the affairs of the said company until the first Monday of September then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share of stock bona fide held by him, and the said managers shall appoint one of their number president of the 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 election for officers shall be held annually on the first Monday in September, at such place as may be appointed by the managers, of which at least ten days notice shall be given as aforesaid; 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 Gettysburg, shall be eligible as a manager or treasurer of said 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.

Of by-laws.

Proviso.

SECT. 3. *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 may be deemed expedient for the well governing of the affairs of the said company, and shall also have power to call special meetings of the stockholders, whenever any circumstance occurs which may render it necessary, to consult them: *Provided*, That such by-laws, rules and regulations, shall, in no case, contravene the constitution and laws of this commonwealth.

SECT. 4. *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 of such certificates, 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 fifteen dollars shall be paid on each share, and every such certificate shall be transferable in person or by attorney duly authorised, on the books of the said company, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the transfer to be made on the books of the company as aforesaid, shall be a member of the corporation, and possess and enjoy all the rights and privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Duty of president and managers.

SECT. 5. *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 the by-laws, and when met three shall be a quorum; and in the absence of the president, a chairman may be chosen of this number met, and all their transactions, as well as every matter and thing relating to the affairs of the said company, 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 the works, as well as to uphold, alter and repair the same, and also fix the times and manner, and in what proportion the stockholders shall pay the moneys yet to pay, on their respective shares, and to draw on the treasurer for all moneys that may be necessary, and 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.

Three to constitute a quorum.

Books to be kept.

Powers of the company.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers, to proceed to complete the bringing and conveying a stream of water from land purchased of Daniel Heck, within the borough of Gettysburg, by means of pipes, trunks or aqueducts; and also to provide 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 ditches 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. And when the parties cannot agree, according to an appointment by three disinterested freeholders, to be appointed on application, by the court of common pleas of Adams county, and who shall be duly sworn or affirmed, justly and truly to make assessment, reserving, nevertheless, to all those who may be affected by the diversion of the water, or by laying trunks through their

Water to be conveyed into the borough.

May enter into lands.

Damages to be paid.

How to be ascertained.

lands, the full effect of the conditions and reservations in their conveyances 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 shall also 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 Gettysburg, 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, on public ground, in said borough, where the same may be necessary.

Borough permitted to erect hydrants.

Individuals may be supplied with water.

Compensation to be made therefor.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers shall, in such streets or parts of the borough where pipes shall be required, permit the said borough to erect hydrants, to be used solely for extinguishing fires, paying a reasonable sum annually for said privilege; and the said company shall have liberty at all times, where the trunks or pipes 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 use, and such other uses as the directors may permit, for such reasonable compensation as shall from time to time be agreed on by the president and managers 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.

Capital stock how called in.

When dividend is to be declared.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the president and managers shall call in such part of the capital stock. (the shares being twenty-five dollars each.) as remains unpaid, by instalments, as the same may be required; and if any stockholder or original subscriber shall neglect, after thirty days notice, published in one or more of the newspapers printed in the borough of Gettysburg, payment may be enforced as in other cases; and whenever the debts of the said 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 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: *Provided,* That whenever the clear annual income of the company shall exceed ten per cent. on the capital stock, the water rents or sums of money charged for the use of water, shall be so regulated, that the average dividends declared shall never exceed that rate.

Penalty for injuring works, &c.

SECT. 9. *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, reservoirs, hydrants, or any of them, or any of the works of the said company erected or to be erected in pursuance of this act, or shall wilfully corrupt, or otherwise render unwholesome, the stream of water which shall be conveyed and brought through the borough of Gettys-

burg, by the said company, shall, on being thereof convicted, before any justice of the peace, in and for the county of Adams, 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 said county, and the other half to the informer, and shall moreover remain liable for all damages to the company.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said corporation shall not have power to issue any note or notes in the nature of bank notes, or to be endorsers 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 charter and privileges shall be null and void.

Company not  
to exercise  
the powers  
of banks.

JOSEPH LAWRENCE, *Speaker*  
*of the House of Representatives.*

WILLIAM MARKS, Junr.  
*Speaker of the Senate.*

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

## CHAPTER XXIII.

### *AN ACT*

To enable the governor to incorporate a company, to make an artificial road from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at or east of Montrose.

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 Putnam Catlin, Jonas Brush, Samuel Bissell and Noah Pratt, of Susquehanna county; John Miller, William Clark, Nathan Bacon, and Henry W. Drinker, of Luzerne county; and Lillibridge Mumford, of Wayne county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; *that is to say,* they shall, on or before the first Monday of April next, procure one or more books, and enter therein as follows: "We whose names are hereunto subscribed do promise to pay the president, managers and company, of the Abington

Commission-  
ers to open  
books of sub-  
scription.