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LAWS

OF THE

GENERAL ASSEMBLY

OF THE

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COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1835-36.

IN THE

SIXTIETH YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

HARRISBURG:

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.....
1836.



in like manner, as is provided by law for holding general elections.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini,
one thousand eight hundred and thirty six.

JOS. RITNER.



No. 71.

An Act

To enable the Governor to incorporate "The Water Works company of the Northern Liberties of Pittsburg."

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 Alexander Ingram, James*

Commissioners appointed to open books, etc. Blackely, W. H. Tottany, John H. Shoenberger, Mark Lowrey, John H. Ralston, William Bayne, D. P. Ingersoll, Wilkins M'Nair, Robert Glass, Esq., William Sutch, E. H. Hasting, and Edhrington Appleton, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they, or any three of them, shall procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers

Shares \$50 each, and from of subscription. of the Water Works company of the Northern Liberties of Pittsburg, the sum of fifty dollars for each and 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 president and managers, in pursuance of an act of the general assembly, entitled 'An act to enable the Governor to incorporate the Water Works company of the Northern Liberties of Pittsburg;' Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty- ,'" shall thereupon give notice in two or more of the public newspapers printed

in Pittsburgh, and such other newspapers as they may think proper, of the time and place or places, when and where the said book or books shall be opened to receive subscriptions for the stock of the said company, at which time and places one or more of the said commissioners shall attend, and permit and suffer all persons or bodies corporate, who shall offer to subscribe in said book or books, which shall be kept open for the purpose, at least six hours in every juridical day for three days, if three days shall be necessary, and on the first of said days, any person of the age of twenty-one years shall be at liberty to subscribe in his own name, or in the name of any other person or body corporate, by whom he shall be authorized, for any number of shares not exceeding fifty, and on any succeeding day while the said book shall remain open, for any number of shares in the said stock, and if at the expiration of the said three days, the said book or books shall not have twelve hundred shares therein subscribed, the said commissioners may adjourn from time to time, and from place to place, until the said number of shares shall be subscribed, and when the said number of shares shall be subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books in his own name, or in the name of any other person or body corporate, shall at the time of subscribing be required to pay to the attending commissioner or commissioners, one dollar on each share, to defray the expenses attending the taking of such subscription and other incidental charges, which expenses and charges the said commissioners shall pay out of the monies so received by them, and the balance, if any, shall be paid over to the treasurer of the said company, as soon as the same shall be organized, as hereinafter mentioned.

Duties of the commissioners relative to subscriptions.

Whole number of shares 1200.

Proviso.

One dollar to be paid on each share at the time of subscribing.

SECTION 2. When twenty or more persons shall have subscribed not less than six hundred shares, the commissioners aforesaid, or any three of them may, or when the whole number of the shares aforesaid are subscribed shall, certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the amount paid on each share, to the Governor of this commonwealth, and if it shall appear from such certificate that the subscriptions have been bona fide made, and the amount required by the said commissioners at the time of the said subscription, actually paid, then the Governor shall, by letters patent, under his hand and the great seal of the state, create and erect the said subscribers, and if the whole number of shares aforesaid be not then subscribed, then also all those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style

Number of shares to be subscribed preparatory to incorporation.

Governor to issue letters of incorporation.

Style of the incorporated company. and title of "The Water Works company of the Northern Liberties of Pittsburgh;" and by such name the said subscribers, and such others as may thereafter become subscribers and shareholders, shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, not exceeding one hundred thousand dollars, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, goods, chattels or effects, as shall be necessary for them in the prosecution of their work, and in the full enjoyment thereof, and the same to sell and dispose of at their pleasure, if necessary, and of doing every act, matter and thing which a corporation or body politic may or can lawfully do.

Powers and franchises of the corporation.

Duty of the commissioners. SECTION 3. The five persons first named in the said letters patent shall, as soon as conveniently may be, give notice in at least two of the public newspapers printed in Pittsburgh, of a time and place to be by them appointed, not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of the votes of the said subscribers, by ballot, to be delivered in person or by proxy, one president and six managers, to conduct the business of the said company, who shall continue in office until the next annual election, as hereinafter provided for, and until such other officers shall be elected, and shall make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and of this state, as may be necessary for the well ordering of the affairs of the said company: *Provided however*, That in all such elections one share shall be entitled to one vote; three shares to two votes; five shares to three votes; ten shares to five votes; and every five shares above ten to one vote; and that no person shall be allowed to vote at any such elections, or in determining any question arising at any meeting of the stockholders, whatsoever, unless the full amount of all instalments regularly called for are paid, or in cases of transfers of stock, until sixty days after the transfer is duly registered on the books of the company.

Notice to be given in the newspapers.

Election of officers.

To make rules and by-laws.

Proviso as to the number of votes on each share of stock.

Stockholders not to vote unless all payments have been made in full.

Special purposes of the corporation. SECTION 4. The corporation hereby created, is so created for the purpose of enabling it to contract with the corporation of the borough of the Northern Liberties of Pittsburgh, for the purpose of supplying the said borough with good and wholesome water from the Allegheny river, and such other individuals as may desire a supply of the same, and of erecting the necessary buildings and reservoirs, and of procuring and laying down all main pipes, and all other articles

necessary to the same, and to their repair and preservation, and for no other purpose whatsoever.

SECTION 5. That the stock of the said corporation shall be assignable and transferrable according to such rules as the board of managers may establish, and shall be considered personal property; certificates of stock may be issued or renewed to the several holders thereof, first being duly signed by the president, and countersigned by the secretary or treasurer, and sealed with the common seal of the corporation: *Provided*, That no transfer be made, or certificate given, until all debts due or owing to the company shall be first duly satisfied.

Stock to be assignable, etc.
Certificate of stock to be issued.
Proviso as to transfers of stock.

SECTION 6. The said president and managers of the said company may require of and from the treasurer, and of and from all and every person and persons employed by them, bonds, in sufficient penalties, and with sufficient sureties, for the due and faithful discharge of the several duties and trusts to them or any of them committed.

Bonds to be required of all officers for the faithful discharge of their duties.

SECTION 7. If any stockholder shall neglect or refuse to pay or cause to be paid, the instalments on the stock held by him, for two months after public notice by advertisement in one or more of the newspapers printed in Pittsburgh, by the managers, requiring such payment, the previous payments or instalments made by such stockholder, and all his interest in the said stock, shall be forfeited to the company: *Provided however*, That nothing herein contained shall be construed as to prevent the said company from recovering the amount of the capital stock so called for and remaining unpaid.

Forfeiture of stock in default of payment.
Proviso as to further liability of subscribers.

SECTION 8. The stockholders of the said company shall meet on the first Monday of January in each year, after they shall have received their letters patent, as hereinbefore provided, at such time and place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing one president and six managers, as aforesaid, for the ensuing year, and until other officers are elected, and at such other times as they shall be assembled by the board of managers, at which annual or special meetings, they shall have full power and authority to make, alter or repeal, by a majority of votes, all such by-laws and regulations as aforesaid, and to do and perform every other corporate act: *Provided*, That if it shall happen that an election of president and managers be not made on the day above specified, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day, within sixty days thereafter, to hold and make an election, in such manner as the by-laws of the corporation shall prescribe; and in case of the death, resignation, removal from the state, or other inability to act, of the president or any of the managers, the board of managers shall choose another to supply

Annual meetings of the shareholders for the purpose of electing officers, etc. Officers to continue for one year. May alter the by-laws, etc.
Neglect to hold the election not to dissolve the corporation.
Vacancies, how filled.

his place, until the next election, and the said president and managers, or a majority of them, shall at their first meeting after their election, choose a suitable person as a treasurer and a secretary for the ensuing year.

Special meetings of the board, etc.

Quorum.

Minutes to be kept.

May employ officers and fix their salaries, etc.

Keeping of the accounts of the company.

According to the by-laws.

Regular accounts to be kept.

An annual statement to be made out and placed in the office, etc. for general inspection.

Up to the time the work is fully completed.

Accounts to be kept separately after the completion of the work.

Dividends to be declared half yearly.

SECTION 9. The president and managers shall meet at such time and places, and be convened in such manner, as shall be agreed on, for transacting their business, and at such meetings four members shall be a quorum, and shall, by themselves or secretary, keep minutes of all their transactions, fairly entered into a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to agree with and appoint all such persons as they may judge necessary to erect and carry on the intended works, and to fix their salaries and wages, and to fix and determine the times, manners and proportion when and where the stockholders shall pay the moneys due on their respective shares, in order to carry on the works, to draw orders on the treasurer for all moneys necessarily expended, by orders, which shall be signed by the president, or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters and things, as by this act and the by-laws, orders and regulations of the company, shall be committed to them.

SECTION 10. The said president and managers of the said company shall keep fair and just accounts of all moneys received by them from the subscribers to the said undertaking, for their subscriptions thereto, and of all forfeitures for the delay or nonpayment thereof, and of all moneys by them expended, and on what account the same was expended, and shall in every year, not more than sixty nor less than thirty days previous to the time of holding an election for officers of the said company, prepare a particular statement thereof, in writing, which, together with the vouchers and other evidences thereto belonging, shall be placed in the office of the treasurer of the company, for the free inspection of any stockholder or member of the company who may think proper to examine the same, until the work shall be completed, and all the costs and charges affecting the same shall be fully paid and discharged; and it shall be the further duty of the said president and managers, after the completion of the said work, and the costs and expenses thereof have been paid and settled, to keep just and fair accounts of all moneys received by them, by their treasurer and other officers, arising from the sale of water rights, water rents, or otherwise, and of the amount by them expended, and shall make and declare a dividend of the profits and income thereof among all the stockholders respectively, and shall, on the first Mondays of April and October in every year, publish the half yearly dividend to be made of said income and profits to and among the stockholders, and

of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividend thus made shall impair the capital stock of the said company: *And provided also*, That no person shall be entitled to any share of the dividend declared, who has not paid such amount of the stock held by him as has been required by the president and managers: *And provided further*, That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes, nor to engage, directly or indirectly, in any banking or monied transaction or concern, nor in any manufacturing or other concern whatsoever, except such as they are by this act expressly authorized to engage therein.

SECTION 11. Whereas, the incorporation of Northern Liberties of the city of Pittsburg, by an ordinance entitled "An ordinance providing for the erection of water within the limits of the borough of the Northern Liberties of the city of Pittsburg," passed on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-five, have proposed to grant to a joint stock company, to be incorporated by the legislature of Pennsylvania: (*Provided*, The legislature would at their next session incorporate a company for that purpose,) the exclusive right and privilege of supplying the inhabitants of the said borough with good and wholesome water from the Allegheny river, for the term of thirty-one years from and after the first organization of said company, under certain restrictions, contained in the said ordinance: *Be it enacted*, &c. That the corporation hereby created shall be, and they are hereby vested with the exclusive privilege of supplying the said borough of the Northern Liberties with water, for the term of thirty-one years, according to the terms, conditions, restrictions and limitations contained in the said ordinance, and upon no other terms or conditions whatsoever.

SECTION 12. This act of incorporation shall continue in full force for thirty-one years from the date hereof, and for one year thereafter, for the purpose of enabling the said corporation, if necessary, to settle its accounts and concerns, and no longer: *Provided however*, That if at any time within the said period of thirty-one years, the president and managers, with the assent of the stockholders, at a general meeting to be called for that purpose, should dispose of their joint stock to the corporation of the Northern Liberties aforesaid, according to the provisions of the herein before recited ordinance, then and in such case, and in such case only, the provisions of this act of incorporation shall cease and determine from the execution of such transfer, sixty days previous notice of such transfer, having actually been made and completed, to be previously

published, in at least two of the newspapers printed in Pittsburg.

To commence the work within one year and finish within five years.

Power to annul etc. reserved by the legislature.

Inhabitants or freeholders of the city may be witnesses.

SECTION 13. If the company to be incorporated by the provisions of this act, shall not within one year after the passage of this act commence the erection of the said water works, or shall not within five years from and after the date hereof erect and complete the works herein contemplated and authorized, according to the true intent and meaning of the terms and conditions of the herein before recited ordinance, then, and in either case, all the privileges hereby granted shall cease and determine: *Provided however*, That the legislature reserve the right in the event of the said company violating any of the provisions of this act, to revoke, alter or amend the charter hereby granted.

SECTION 14. That no person who is an inhabitant or freeholder of the city of Philadelphia, shall for that reason be considered an incompetent witness, in any court of justice in this commonwealth, in a case in which the mayor, aldermen and citizens of Philadelphia are or shall be parties.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 72.

An Act

To repeal an act entitled "An act to prohibit in courts of justice the reading or quoting of British precedents, subsequent to the fourth of July, one thousand seven hundred and seventy-six.

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 an act entitled "An act to prohibit in courts of justice the reading and quoting of British precedents, subsequent to fourth July, one thousand seven

British precedents.