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1853

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OF THE

GENERAL ASSEMBLY

OF THE

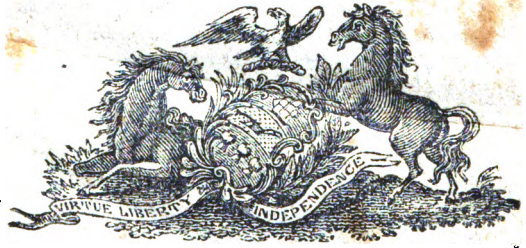
STATE OF PENNSYLVANIA.

PASSED AT THE

SESSION 1833-34.

BY THE

FIFTY-EIGHTH YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

HARRISBURG:

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1834



No. 142.

A SUPPLEMENT

To an act entitled "An act to incorporate the Franklin Library company of Ten mile in the county of Washington."

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 the Franklin library company of Ten mile, be and they are hereby authorized, with the approbation of a majority of a meeting of the stockholders of the said company, to be convened for that purpose, to sell and dispose of all the estate of the said company, real, personal or mixed, and to make distribution of the proceeds thereof among the said stockholders; and if it shall happen that any of the said stockholders shall not appear to claim his or her share of the said proceeds within one year after notice of such distribution shall have been published for four weeks successively, in one newspaper in the said county of Washington, it shall be lawful for the officers of said company to distribute the same among the other stockholders of the said company; and after the proceeds of the said property shall have been distributed as aforesaid, the said company shall be dissolved, and the charter thereof annulled.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The tenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.

No. 143.

AN ACT

Authorizing the Governor to incorporate the Pottsville Water company.

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 Samuel Sillyman, William Mortimore, John C. Offerman, John C. Ernst, Benjamin Bannan, Jacob Seitzinger, esq., James M. Beatty, Charles Miller and Andrew Russel or any

Commis'rs.

four of them are hereby 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 July next procure a book, and enter therein as follows: "We the subscribers promise to pay to the president and managers of the Pottsville water company the sum of twenty five 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 Pottsville water company." Witness our hands, the

Form of
subscription.

day of _____ in the year of our Lord one thousand eight hundred and _____ and shall thereupon give notice in one

or more of the newspapers, published in the borough of Pottsville, for the space of two weeks or more, when and where, within the said borough, the said book will be opened to receive the subscription 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 stock, not exceeding ten shares on the first day, and the said book shall be kept open for three successive days, unless eight hundred shares shall have been sooner subscribed; and if within the said three days the said eight 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 commissioners or officers five dollars for every share to be subscribed, out of which shall be defrayed the expenses 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 hereinafter mentioned.

Notice of the
opening of
the books.

To be kept
open for 3
days, &c.

Proviso.

\$5 to be paid
on each share
at the time of
subscribing.

SECTION 2. When twenty-five or more persons shall have subscribed four 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 Pottsville 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 in-

When 400
shares are
subscribed,
com'rs shall
certify to
Governor.

Style of cor-
poration.

Powers.

crease 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 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.

Commissioners to give 10 days notice

When election for officers shall be holden.

Election for officers, when to be held.

Proviso.

Of by-laws, rules and regulations.

SECTION 3. 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 Pottsville, 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 borough, nine managers, to conduct the affairs of the company until the second Monday in May 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, and for every five shares above the first five, and not exceeding twenty, one vote; and no stockholder shall be entitled to more than eight 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, and the said president and managers shall appoint one of the stockholders residing in the said borough, 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 election for officers thereafter shall be held annually on the second Monday in May, at such place within the said borough as may be appointed by the managers, of which at least ten days notice shall be given in one or more 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 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 borough, and after such notice, as the board of managers may prescribe.

SECTION 4. The president and managers, or any five of them, shall have power to adopt such by-laws, rules and regulations, as shall 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 stockholders, whenever any circumstances occur which may render it necessary to consult them.

SECTION 5. 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 said company, and shall deliver one such certificate, signed by the president and 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 creditable 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.

To procure a common seal.
Gen. powers and duties.

SECTION 6. 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 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 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 the 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.

President & managers shall meet as directed by their by-laws: 5 members shall be a quorum. Power to contract, &c

SECTION 7. It shall be the duty of the president and managers, as soon as may be after they shall be organized, to proceed to bring and convey into the borough of Pottsville, by means of pipes, trunks, aqueducts or other means, some spring or stream of water from the neighborhood of, or from within the bounds of said borough, the right to which they shall have been previously vested in the said company, and also provide proper cisterns or reservoirs for the reception thereof. And for the purpose aforesaid, they may enter into such land or enclosure as may be necessary, and to dig ditches and lay pipes and trunks through the same, 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 under oath or affirmation by three disinterested persons to be appointed on application, by the court of Common

Authority to bring water into borough:

Powers and liabilities.

Pleas in and for the county of Schuylkill; and the president and managers shall at all times (paying the 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 the streets and alleys and public grounds within the said borough, and to renew and repair the same, shutting up and amending any breaches which they may make as soon as possible; and it shall also be lawful for them to make cisterns or reservoirs in the streets or public grounds in the said borough, when the same may be deemed necessary: *Provided*, The company shall first obtain permission of the constituted authorities of the said borough: *Provided also*, That nothing contained herein shall authorize the said company to make use of or conduct the waters of the river Schuylkill for the purpose aforesaid, without the consent of the Schuylkill Navigation Company.

Proviso.

To erect hydrants solely for the extinguishment of fires.

SECTION 8. The said president and managers shall, in such streets or parts of the said borough where pipes shall have been laid, erect hydrants to be used solely for the extinguishment of fires; and they shall suffer individuals at all times to be supplied with water from said pipes for domestic or manufacturing use, for such reasonable compensation as shall from time to time be agreed upon by the said managers and such individuals, according to such 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 wherever the water is to be drawn. And any person or persons within the said borough, who shall take any of 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 fifty dollars 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 borough to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

Persons tak'g said water without contracting for the same, shall pay for such offence \$50.

Proviso.

Neglect to pay instalment, &c.

SECTION 9. The president and managers shall call in the capital stock of the said company by instalments as the same may be requisite for the prosecution of the said work; and if any stockholder shall neglect to pay his instalment after thirty days notice published in one or more of the newspapers printed in the said borough, 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 and managers 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.

SECTION 10. Any person or persons 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 the 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 or brought into the borough of Pottsville by the said company, on being thereof convicted, before any justice of the peace in and for the county of Schuylkill, by the oath or affirmation of one or more creditable witnesses, pay a fine of not less than five nor more than twenty dollars, one half to the use of the said borough, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Penalty for
wilful injury
to works.

SECTION 11. If the said company shall not proceed to carry on the said works within three years after the passing of this act, or shall not, within six years afterwards complete the same, so far as to have conveyed the water within the limits of the borough of Pottsville, all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

Time allowed
to complete
same.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.

No. 144.

AN ACT

To incorporate the Pittsburg Savings Institution.

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 Harmar Denny, Michael Tiernan, Stephen Colwell, John McKee, William Bell, jr., John D. Davis, Sylvanus Lathorp, John Arthurs, Thomas S. Clark, Thomas Bakewell, Alexander Laughlin, John Graham, James Ross, jr., John Caldwell, Samuel Roseburg, Samuel Church, Abisha Way, Alexander Brackenridge, A. Holmes Hoge, George Ogdan, Gabriel Adams, Malcolm Leech, Hugh Davis, Frederick Lorenz, Adam