

# 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 one thousand eight hundred and fifteen,*

END OF THE

### INDEPENDENCE

OF THE

### UNITED STATES OF AMERICA

THE

REPTIETH.

1815/16

PUBLISHED BY AUTHORITY.

HARRISBURG:

PRINTED BY JACOB ELDER, CHESNUT STREET.

1816.

the act, entitled "An act vesting in certain banking institutions within this commonwealth the power of issuing small notes," passed the twenty-eighth-day of December, one thousand eight hundred and fourteen, is hereby re-enacted and continued until the first day of January, one thousand eight hundred and seventeen.

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

JOHN TOD, *Speaker of the Senate*.

APPROVED—the eighth day of February, one thousand eight hundred and sixteen.

SIMON SNYDER.

### CHAPTER XXX.

An ACT authorising the governor to incorporate the York 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* George Spangler, William Ness, John Barnitz, George Small, Charles F. Fisher, Abraham Gartman and Jacob Smyser, or any 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 May next, procure a book and shall enter therein as follows: "We, the subscribers, promise to pay to the president and managers of the York Water Company, the sum of twenty-five dollars for every share 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 York Water Company.' Witness our hands the       day of       in the year of our Lord one thousand eight hundred and sixteen." And shall thereupon give notice in one or more of the newspapers published in the borough of York, 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 two 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*

Commissioners named.

Notice to be given of opening books.

Who may subscribe.

Provide.

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 hereinafter mentioned.

SECT. II. *And be it further enacted by the authority aforesaid,* That when thirty or more persons shall have subscribed two hundred shares or more 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 York Water Company;" and by the said 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 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 be sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

SECT. III. *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 York, 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 of 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 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 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 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 York, shall be

When letters patent may issue.

Style of corporation.

Powers and Privileges.

Notice to be given of time of organizing the company.

What officers to be chosen.

Time of annual election.

Proviso.

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.

May make  
by-laws.

Proviso.

SECT. IV. *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 power 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 the common seal and certificates of stock—

transferable  
and how.

SECT. V. *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 subscriber.

Of a quorum.  
Of their times  
of meeting.

Minutes to  
be kept.

May contract  
with work-  
men, &c.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the president and manager 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 their 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 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.

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

as soon as may be after the company shall be organized, to proceed to bring and convey a stream of water from the lands of Peter Small, in York township, into the borough of York, 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 York, and who shall be duly sworn or affirmed, just 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 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 York, 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 borough, where the same may be necessary.

Duty of president and managers.

Right of enclosures.

Compensation to be made.

Of repairs, &c.

SECT. VIII. *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.

Hydrants to be erected.

Of supplying individuals with water.

SECT. IX. *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.

Of instalments.

Dividends payable half yearly.

SECT. X. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy, or injure in

Penalty on  
injuring the  
works.

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 York by the said company, shall, on being thereof convicted before any justice of the peace in and for the county of York, 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.

Time limited  
for carrying  
on and  
completing  
the work.

SECT. XI. *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.

Prohibited  
from issuing  
notes in the  
nature of  
bank notes.

SECT. XII. *And be it further 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.

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

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighth day of February, one thousand eight hundred and sixteen.

SIMON SNYDER.

## CHAPTER XXXI.

A SUPPLEMENT to the act, entitled “An act to authorise the governor to incorporate a company to make a lock navigation in the river Schuylkill.”

Improve-  
ments may  
be commen-  
ced at any  
place.

SECT. I. *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 president, managers and company of the Schuylkill Navigation Company to commence and carry on from time to time their improvements of the navigation of each section of the river Schuylkill, at such places as in their opinion first require such improvement, any thing in the act to which this is a supplement to the contrary notwithstanding: