

No. 77.

A FURTHER SUPPLEMENT

To an act entitled "An Act to incorporate the Sunbury and Erie, and Pittsburg and Susquehanna railroad company."

Time extended. 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 time for commencing the construction of the Sunbury and Erie railroad shall be, and is hereby extended until the first day of June, eighteen hundred and fifty-one; and that at least two hundred miles of said road shall be completed in seven years thereafter, and the whole thereof in nine years next succeeding the said first day of June, eighteen hundred and fifty-one, any thing in the several acts of the general assembly of the commonwealth, to which this is a further supplement, to the contrary notwithstanding; and that the said company shall, and are hereby authorized to locate and construct the said road along either side of the Susquehanna river, Sinnemahoning, and on the unfinished line of the West Branch canal, west of Farrandsville, that may be deemed the most practicable.

Location.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 78.

AN ACT

To incorporate the Pure Spring Water company of Kennett Square, in the county of Chester.

Members of corporation. 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 present members of the "Pure Spring Water company," that is to say, Samuel Martin, Benjamin Pyle, Samuel Jacobs, esquire, Lydia B. Miller, Solomon Mercer, Mifflin Pyle, Samuel Jackson, jr., Isaac Brosius, Samuel Pennock, Sumner Stebbins, M. D., Joseph Taylor, Elizabeth Dilworth, L. W. Hoopes, John M. Anderson, B. H. Wiley,

W. & J. T. Chambers, Caleb Heald, Margaret Clark, Enoch Passmore, Henry Brosius, James White, John M. Scarlett, Levi Gause, John Darlington, Jesse Pyle, Morton Pennock, Harlan Gause, Jesse Miller, Jesse Pennock, John Chandler, B. L. Moore, Joseph James, John Lamborn, Lewis Sharp, William Commons, Cyrus Chambers, Jacob Plankenton, Joseph Heald and Joshua Taylor, together with such other persons as hereafter may be admitted as members thereof, in the manner hereinafter provided, their successors and assigns, shall be and they are hereby made and constituted a body politic and corporate, in fact and in law, by the name, style and title of the "Pure Spring Water company;" and by the same name, style and title, shall have continual succession, and shall be empowered with all the legal incidents to a corporation aggregate: *Provided*, That the real estate by them to be held, shall be only such, as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to the said corporation; and that no by-law, to be made by the said corporation, shall be repugnant to the constitution of this state, or of the United States; and the capital to be employed shall not, at any time, exceed twenty thousand dollars.

SECTION 2. That on the first Saturday in January next, and on the same day in each year thereafter, the members of the said corporation shall convene, for the election of officers of said company, consisting of a president, secretary, treasurer and seven managers, who, together, shall constitute a board, and any six of them form a quorum, to transact the business of the company, and who shall continue in office one year, and until successors shall be chosen; and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter, as practicable, giving at least ten days' notice of the time and place of election; and until the first election hereby authorized, and until successors shall be chosen, as herein directed, Samuel Jacobs, esquire, shall be president; James T. Chambers, secretary; Levi W. Hoopes, treasurer; and Benjamin Pyle, Samuel Jackson, junior, John M. Anderson, Jesse Pyle, Henry Brosius, Enoch Passmore and John Darlington, managers of the said company, with power to transact all the business hereafter enjoined by the by-laws on the officers of the corporation.

SECTION 3. That all general meetings of the company shall be held at such times and places, as shall be provided for in the by-laws; and in all elections, and upon all questions arising at meetings of the stockholders, each stockholder shall be entitled to one vote, for each share *bona fide* held by him, not exceeding four; and for every two shares above the first four, and not exceeding twelve, one vote; and for every four shares above the first twelve, and not exceeding twenty-eight, one vote; and for every eight shares above the first twenty-eight, and not exceeding one hundred, one vote; and no stockholder shall be entitled to more than twenty-one votes; and no votes by proxy shall be received; and five dollars shall constitute a share.

SECTION 4. That the board of managers shall have power, from time to time, to erect and repair such works as shall be necessary to supply a sufficient quantity of soft and pure water to any building in the said village of Kennett Square; and in case a deficiency in that already introduced, from such stream or spring, as may be fixed on and purchased by said company for that purpose, by means of pipes, trunks or aqueducts, or other means; and also provide proper cisterns or reservoirs for the reception thereof; and for these purposes, they may enter into such lands or enclosures as may be necessary to dig, ditch and lay pipes and trunks through the same, doing as little damage as possible to

Damages, how to be assessed and paid. private property, and paying for whatever damage shall be done by them; in case 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 pleas in and for the county of Chester; and the president and managers shall, at all times, paying damages as aforesaid, have liberty to renew and repair the pipes and trunks which have already been laid, or which shall hereafter be laid on and through private property; and also, have liberty at all times to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said village of Kennett Square, and to renew and repair the same, shutting up and amending any breach which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs, and to set hydrants in the streets and public grounds, in the said village of Kennett Square, when it may be deemed necessary: *Provided*, That in all cases where the damages assessed, in the manner provided for in and by this section, shall exceed the sum of twenty dollars, either party may, within thirty days after such assessment shall be made, and notice thereof given to the parties, appeal to the said court of common pleas of the county of Chester; and in every case in which such appeal shall have been taken, like proceedings may be had, as in other cases in said court.

Proviso.

Appeal.

Erect hydrants.

Rates.

Penalty.

Proviso.

Injuries to works how punished.

SECTION 5. That the board of managers shall, in such streets or parts of the said village of Kennett Square, where pipes or trunks shall have been laid, erect hydrants, to be used for the purpose of extinguishing fires; and shall have liberty to supply, or suffer individuals to be supplied with water for domestic or manufacturing uses, for such reasonable compensation as shall, from time to time, be agreed upon by the said company, and said individuals, according to certain uniform rates hereafter to be adopted by said company, having regard to the probable quantity of water which applicants are likely to consume; and the said company shall have power to lease or rent out any surplus stream or water power that may be found to exist, after the purpose of providing water for the inhabitants of Kennett Square, shall have been obtained; and any person or persons within the said village, who shall take any of the said water, for any purpose or use whatever, without having previously contracted for the same with the said company, shall forfeit and pay for every such offence, the sum of three dollars to the said company, 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 said village to use the water so introduced by said company, or to prevent them from using water obtained in any other way; and any person or persons, who shall wilfully destroy or injure, in any way, the pipes, cisterns, aqueducts, reservoirs, machinery, buildings, hydrants, or any of them, or any of the works of said company, or shall wilfully corrupt or otherwise render unwholesome the water brought or conveyed, or to be brought or conveyed into the village of Kennett Square by the said company, or the stream or streams, spring or springs from which the same is brought, or to be brought, shall, upon conviction before a justice of the peace, be deemed guilty of malicious mischief, and be liable, moreover, to the company, for damages sustained by such injury.

Seal.

Stock.

SECTION 6. That the company 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 stock of said company, and shall deliver one such certificate, signed by the president, countersigned by the secretary

and seal as aforesaid, unto each person, for the number of shares held by him or her, as soon as five dollars shall be paid on each share; and every such certificate shall be transferrable in person, or by attorney Transferred. duly authorized; in the presence of the president or secretary of said company, subject, however, to all payments due and to become due thereon; and the assignee holding such certificate, having 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.

SECTION 7. That the said company, whenever the debts of the corporation shall have been paid, and the income shall exceed the expenses of the company, may, if deemed advisable, collect a contingent fund not exceeding one thousand dollars, or declare a dividend, semi-annually, Dividends. not exceeding ten per cent. on the stock paid in, on the second Saturdays of January and July, in each year; and shall publish said dividend, and the place where it will be paid, and shall cause the same to be paid accordingly.

SECTION 8. That the legislature reserves the right to alter, amend or Repeal. annul this charter at any time hereafter, should the public good require it: *Provided*, That no injustice shall, thereby, be done to the corporators.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-first day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 79.

A N A C T

Relating to aldermen and justices of the peace.

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 in all cases of the creation of any new township, borough or ward, in any city or county of this commonwealth, the commissions of justices of the peace and aldermen, within the respective territories out of which such township, borough or ward, has been or may be created, shall continue for the proper township, borough or ward, in which such justices or aldermen may respectively reside for the balance of the official term; and any deficiency in the proper number of aldermen or justices of the peace within the territories of either of such new divisions, according to Division of townships, boroughs or wards, not to vacate commissions. Deficiency how supplied.