

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1856,

IN THE

EIGHTIETH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1856.

punished by fine, not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That such criminal prosecution shall not, in any way, impair the right of said company to a full compensation in damages by civil suit.

Reservation

SECTION 12. That the legislature may, at any time, alter, amend or repeal the privileges hereby granted: *Provided however*, That no injustice be done to the corporators.

RICHARDSON L. WRIGHT,

Speaker of the House of Representatives.

WM. M. PIATT,

Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-six.

JAMES POLLOCK.

No. 459.

AN ACT

To authorize the Governor to incorporate the Boyerstown 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 George Mull, Samuel Shaner, Daniel B. Boyer, William Bender, Frederick H. Stauffer, Charles Keely, William K. Stauffer, Lewis S. Worman, Benjamin Riegner, Jeremiah Schwenihart, Amos K. Strunk, Henry Borneman and David Fox, or any five of them, are hereby appointed commissioners for receiving subscriptions to the capital stock of a company to be denominated the Boyerstown water company, and for that purpose they shall procure a suitable book and enter in it as follows:—

Commissioners.

Duties.

“We whose names are hereto subscribed, promise to pay to the Boyerstown water company the sum of twenty dollars for each and every share of stock set opposite to our respective names, in such manner and in such proportions and at such times as shall be determined by the president and managers of the said company, in pursuance of the act of assembly authorizing the governor to incorporate the said company: Witness our hands, the day of , Anno Domini one thousand eight hundred and fifty-six;” the said book shall be kept open for the purpose aforesaid for three days, due notice being given, or until five hundred shares shall have been subscribed; and the officers of the said company, after the same shall have been organized, may at any time afterwards open said book for the subscription of shares, until the whole number of shares as aforesaid shall have been subscribed, if so many shall be required to carry into effect the purposes of this act: *Provided*, That every person offering to subscribe in the said book, in his or her own name, or in the name of any other person, shall previously pay

to the attending commissioner, commissioners, or officers, as the case may be, one dollar on each and every share subscribed, to defray the expenses attending the taking of such subscriptions and other incidental charges, which expenses and charges the said commissioners shall pay out of the moneys 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.

SECTION 2. That when one hundred shares of said stock shall have been subscribed for, and the said sum of one dollar paid on each and every share so subscribed for, the said commissioners, or any five of them, shall certify the fact to the governor of the commonwealth, with the names of the subscribers and the number of shares by each of them subscribed, and the amount paid thereon, whereupon the governor shall, by letters patent, create and erect the subscribers, and such who may afterwards subscribe, to the number of five hundred shares, into a body politic and corporate in law, by the name, style and title of The Boyerstown water company, in which name they may sue and be sued, and have perpetual succession, may purchase, receive and have, to them and their successors, all goods, chattels and estates, real and personal, as may be necessary and proper for carrying into effect the objects and purposes of this incorporation, and the same from time to time to sell, mortgage or otherwise dispose of, make dividends of the profits, as they may deem proper, and make and use a common seal, and the same to alter and renew at pleasure, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall be necessary and convenient for the government of the said company, and the preservation and security of their property, not being contrary to the constitution and laws of the United States or of this commonwealth; and if penalties shall be inflicted by any such by-laws, they shall be recovered as debts of like amount are recoverable, or punished as like offences are punished, and generally to do all matters and things which lawfully appertain for them to do for the well being of the said company: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges whatever, or any franchises but such as are or may be necessary or incident to the supply and distribution of water in the village of Boyerstown and its vicinity.

SECTION 3. That any five or more of said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least two weeks' notice in two newspapers, one of which shall be printed in the city of Reading, of the time and place for the subscribers to meet and hold an election for officers of said company, when such subscribers shall choose by ballot five managers, who shall be stockholders, three of whom at least shall be residents of said village of Boyerstown, to conduct the affairs of the company until the last Monday in January next ensuing, at which time and place, due public notice having at least two weeks previously been given as aforesaid, a new election for managers shall be held by the stockholders of said company, and annually thereafter; and the managers elected as aforesaid, shall elect from among their number one, who shall also be a resident of said village, who shall be president of the said board and of the company; they shall also elect a treasurer, who shall be a resident of said village, and a

Letters patent.

Style.

Privileges.

Organization.

Election of officers

- stockholder in said company, but not a member of the board ; and they shall also elect or appoint all such other officers and agents as they may deem necessary for conducting the business of said corporation, who shall perform the duties of their respective offices until they shall be re-elected, removed from office, or their successors shall be chosen ; the said managers shall allow the persons so elected or appointed such compensation for their services respectively, as they shall deem reasonable, and generally exercise all other powers and authorities for the well governing and ordering of the affairs and funds of the said corporation as this act confers and allows, or as hereafter may be conferred and allowed by the laws, regulations and ordinances of the said corporation ; in case of vacancies in the board of managers, or in any office of said company, the managers shall supply the same from among such as may be eligible to the position vacated, until the next annual election ; in all the meetings of the said board of managers any three of them shall constitute a quorum, and in the absence of the president, either at a meeting of the managers or of the stockholders, a president pro tempore shall be chosen from among those then met : *Provided*, That at all elections for managers as aforesaid, each stockholder shall be entitled to one vote for every share of stock bona fide held by him or her, and that no person or body corporate shall have more than fifteen votes on his own account at any election, whatever number of shares such individual or body corporate may be entitled to.
- Vacancies.**
- Quorum.**
- Votes.**
- Certificates of stock.**
- Transfers.**
- Capital stock.**
- Payment of subscriptions.**
- Powers of company.**
- SECTION 4. That the president and managers shall procure a common seal and certificates of stock, which, signed by the president and treasurer, and sealed with the corporate seal, shall be delivered to each stockholder as soon as the whole amount thereon shall have been paid, and in the meantime, the said commissioners, or the treasurer of the company, shall issue scrip certificates, in the nature of receipts, for each instalment as it is paid in by the said shareholders; and said certificates of stock shall be transferable, at the pleasure of the holder, in the presence of the president, treasurer, or other person appointed by the company for that purpose, which transfer shall at once be entered on the books of the corporation, according to such rules and regulations as the managers shall for that purpose ordain and establish, and not otherwise, and when so entered, the holder thereof shall be a member of the said company.
- SECTION 5. That the capital stock of the Boyerstown water company, shall consist of five hundred shares of twenty dollars each, as aforesaid, and to be paid for after the first payment, in such manner as the board of managers may determine ; which said capital stock may at any time hereafter, be increased, not exceeding one thousand shares of twenty dollars each ; and if any subscriber for stock, his or her assignee, or transferee, shall neglect or refuse to pay the first, or any subsequent instalment, called for and demanded by the managers, as aforesaid, payment may be enforced by action of debt, in the corporate name of said company, against such delinquents, as in other cases ; or said company may, at their discretion, declare said delinquent stock, and the money paid thereon, forfeited for the use of the said company, and new subscriptions may be opened and received for the share or shares so forfeited.
- SECTION 6. That the said Boyerstown water company shall have power, and are hereby authorized to bring and convey into

the village of Boyerstown, in the county of Berks, a sufficient supply of fresh and pure water, from any spring or springs, stream or streams of water, near or convenient to said village, by means of pipes, trunks or aqueducts, or in any other way; and to provide proper cisterns or reservoirs for the reception thereof; and for the purposes aforesaid, they are hereby authorized to take possession of, and divert from its present channel, any stream or streams as aforesaid, and to enter into and upon any land or enclosure that may be necessary; to dig trenches and lay pipes or trunks through the same; and to build tanks, dams or reservoirs, on or near said streams, and on any ground on or near said village, doing as little damage thereby as possible to private property, and paying for whatever land they may occupy, or for whatever injury they may do, in the manner following.

SECTION 7. That the said company shall have the right to enter into and upon any lands or enclosures, with their engineers, artists, assistants and workmen, to lay out and locate the said dams, tanks, reservoirs and the route for the said pipes or trunks, and so much land around such dams or reservoirs, and along said streams, as they may deem necessary to preserve the purity of said water; and after the same shall have been laid out and located to the satisfaction of said board of managers, it shall be their duty to give notice to the owners of said lands, (if they are known or can be found) on which the same has been so laid out and located, of the location thereof, and of the desire of the company to occupy and use the land and route so marked and laid out, and if said president and managers and owners cannot agree on the amount of damages or compensation therefor, either of them may apply to one of the judges of the court of common pleas of said county of Berks, or to said court when in session, who shall appoint a jury of three disinterested and judicious men, to view said land and route, and make report to said court what damage (if any) the owners of said land shall or may sustain by the use and occupancy thereof by the said company, for the construction of their works, or by the diversion of the waters of the aforesaid streams; whose report or award shall be subject to the right of appeal by either party, and when appealed from, shall be tried in said court as other cases in which damages are claimed by the plaintiffs, or if no appeal be entered within twenty days from the filing of said award, it shall have the effect of a judgment, and be collected in like manner, with the right to stay of execution according to law, upon adequate security being given by said company: *Provided*, That the aforesaid proceeding for ascertaining the damages, shall not delay the operations of said company in the prosecution of their work, but upon entering two or more sureties, to be approved by the said court, for the payment of the sum finally adjudged to be due, with costs, or upon depositing in court the amount which the said court shall adjudge sufficient to cover the same, the said company shall be allowed, and are hereby authorized and empowered to enter on and in said land and enclosures, with the necessary engineers, workmen, teams, tools and implements, and proceed forthwith to the construction and completion of all works necessary to carry into effect the objects and purposes aforesaid, and the same to alter, repair or renew whenever and wherever they may deem necessary, without any let or hindrance from the owners of said lands, or any others.

Entry upon lands.

Damages.

Viewers to be sworn.

SECTION 8. That the several jurors herein directed to be appointed, shall before they enter on the duties of their appointment, be sworn or affirmed to discharge the duties of said appointment with impartiality and fidelity, and to the best of their judgments, and shall receive the same compensation as jurors in other cases.

Power to lay pipes, &c.

SECTION 9. That the said company shall at all times have the privilege and liberty to dig trenches, and lay their pipes or trunks in, across and along all railroads, public roads, highways and streets, and across and along the streets, alleys and public grounds within the village of Boyerstown, and to alter, repair and renew the same as often as they may find it necessary, closing up and amending any breaches they may make, as soon as practicable.

Use of water.

SECTION 10. That when the said company shall have introduced the water into said village of Boyerstown, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants and pipes, wherever they shall deem the same necessary and proper, they shall then permit individuals and companies, at all times, to be supplied with water from the pipes laid by them for domestic or manufacturing purposes, and for the supply of stationary and locomotive engines; and their president and managers shall, from time to time, fix and determine uniform regulations, and rates or prices to be paid by those who may use the water, so that such rates or prices shall not cause oppression or injustice to any, but be so adjusted as to bear equally upon all whom they may concern; and if the said rates or prices be not paid according to the terms of the contract between those who may use the water and the company, the party so contracting and failing to pay, may be prevented from using the water until all arrearages due the said company therefor are paid; and all such arrearages may be collected by action as debts of like amount are recoverable. Any person or persons who shall take away any of said water for domestic or other purposes, without having previously contracted for the same with the said company, or shall wilfully permit any of the said water to be taken away, shall forfeit and pay for every such offence a sum not less than ten dollars to the said company, to be recovered as debts of like amount are recoverable by law: *Provided*, That whenever the citizens of Boyerstown, either by themselves or by the corporate authorities of Boyerstown, should it be hereafter at any time incorporated, shall erect fire plugs, to be used solely for the extinguishment of fires, the said president and managers shall permit the same to be connected with their pipes laid in said village, and allow the inhabitants thereof to take and use water through said fire plugs without charge, for the extinguishment of fires, but not otherwise. That nothing in this act shall prevent said company from receiving, purchasing or holding any real or personal property, stock or other securities, in payment of debts due them, or to secure the same in any manner that the interests of said corporation may require, or to purchase and hold such real estate as may be necessary to accommodate the said corporation in the transaction of the business thereof, and to sell, assign and convey the same, in fee simple, or otherwise.

Exemption.

SECTION 11. That five hundred shares of said stock, or whatever amount of the same shall be found to be required for the construction of said water works, shall be exempt from all taxation whatever, except that whenever the net annual income from the said water works shall exceed six per centum per annum on

the cost of the same, the excess shall be taxable for state purposes only at the same rates as are now imposed on the dividends of banks for said purposes.

SECTION 12. That any person or persons who shall wilfully destroy or injure in any manner the pipes, aqueducts, dams, tanks, cisterns, reservoirs, hydrants, buildings or machinery of the said Boyerstown water company, erected in pursuance of this act, or shall wilfully corrupt or permit anything to run or fall into any spring, or stream, or reservoir, from which the said company shall take water to be introduced into the said village of Boyerstown, which shall tend to corrupt the same or render it unpalatable, unwholesome or unfit for domestic or manufacturing use, or for the supply of stationary or locomotive engines, or shall bathe in any dam or reservoir of said company, or shall throw, lead or entice any animal into the same, on being convicted thereof before any justice of the peace on the oath of one or more creditable witnesses, shall pay a fine of not less than five nor more than fifty dollars, one-half for the use of the said company and the other half to the informer, and shall moreover remain liable to said company for all damages. Penalty for injuries to works.

SECTION 13. That the said company, if necessity require, shall have power at any time to borrow any sum of money not exceeding five thousand dollars, to be applied to the prosecution or improvement of the said work or works, and to pledge their goods and chattels, property, franchises and effects, by mortgage or otherwise, for security and re-payment of the same: *Provided*, That no bonds for a less sum than one hundred dollars shall be issued. May borrow money.

SECTION 14. That the owners of the said freehold, on and upon which the water of the said company is taken and used, shall in all cases be the parties with whom contracts for the use of the water shall be made, and the said real estate be bound for and liable for the payment of the same. Contracts for water.

RICHARDSON L. WRIGHT,
Speaker of the House of Representatives.

WM. M. PIATT,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-six.

JAMES POLLOCK.

No. 460.

A SUPPLEMENT

To the act to incorporate the Odd Fellows Mutual Insurance Company, passed the twelfth day of April, Anno Domini one thousand eight hundred and fifty-one.

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*