

L A W S

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA  
///

PASSED AT THE

SESSION OF 1872

In the Ninety-sixth year of Independence.

WITH AN APPENDIX.

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BY AUTHORITY.

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HARRISBURG:

B. SINGERLY, STATE PRINTER.

1872.

the association, and to eject from the premises all persons committing these or any other nuisances or disorder, and the provisions of this section shall apply to any person or persons who shall erect or keep stands, or offer for sale or exhibit any description of articles near the said premises which may be deemed by the directors injurious to their exhibition.

SECTION 13. That the members of said association shall have the right, at the first or any subsequent meeting, to establish and enforce such by-laws for the government of the association as they may deem expedient, not being contrary to the constitution of the United States, the constitution of this state, or the provisions of this act.

By-laws for government of association.

SECTION 14. That John M. Mordock, J. C. Nolan, R. M. Ulp and E. Struble shall be and are hereby appointed commissioners to open books and obtain subscriptions to the stock of said association at such time and place and under such regulations as they may deem expedient.

Commissioners appointed to receive subscriptions.

WILLIAM ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and seventy-two.

JNO. W. GEARY.

No. 515.

## In Act

To enable the borough of Danville, in the county of Montour, to establish water works.

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 burgess and town council of the borough of Danville, in the county of Montour, are hereby empowered to provide, erect and maintain all works and machinery necessary and proper for raising and introducing into the said borough a sufficient supply of pure water for the use of its inhabitants, and for that purpose may provide, erect and maintain all proper buildings, cisterns, reservoirs, engines, pumps, pipes and conduits, for the reception and conveyance of water; and they are authorized and empowered, by themselves, their agents, engineers and workmen, and with their tools, carts, wagons and beasts of draught or burden, to enter upon such lands and enclosures, streets lanes and alleys, roads and highways, as may be necessary to occupy, or to obtain materials

Burgess and council authorized to erect works.

May enter upon lands to obtain materials and lay pipes.

To make compensation for property taken.

May take property upon tendering bond to owners.

May borrow money and issue bonds.

Bonds exempt from local taxation.

Moneys received from sale of bonds, together with water rents, &c., constituted water fund.

Burgess and council may levy and collect water tax.

Water commissioners appointed.

Terms of office.

Burgess and council to appoint.

for the construction of said works, and to occupy ditches and lay pipes through the same, and the same from time to time to repair; and for taking private property they shall make adequate compensation, the amount thereof to be ascertained as provided for in the act of assembly, passed the twenty-fourth day of April, one thousand eight hundred and sixty-nine, entitled "A supplement to an act to provide for the incorporation of gas and water companies," approved March eleven, one thousand eight hundred and fifty-seven; but they may take, use and occupy such private property, without first making compensation therefor, upon giving to the owner or owners of the same the bond of the said borough, in such sum as may be agreed upon by them with the said owner or owners, or as may be fixed by the court of common pleas of the said county, or any two judges of the said court when the said court is not in session, conditioned for the payment of such damages as may be agreed upon by the borough and such owner or owners, or as may be assessed by law.

SECTION 2. To enable the said burgess and town council to provide, erect and maintain the said works, machinery, buildings, cisterns, reservoirs, engines, pumps, pipes and conduits, they shall have the power to borrow such sums of money as may be necessary, not, however, to exceed, in the whole, the sum of one hundred and twenty-five thousand dollars, and to issue, in payment thereof, coupon bonds of the said borough, in sums not less than fifty dollars, bearing a rate of interest not exceeding eight per centum per annum, payable semi-annually, the principal payable at the pleasure of said borough, in not less than five nor more than twenty years; and the said bonds shall be exempt from all taxation, except for state purposes.

SECTION 3. That all money received from the negotiation of said bonds, together with all water rents, income or profit from the water works, shall be kept apart from the other moneys of the said borough, and shall be designated the water fund, and shall be expended only in the construction, maintenance and repair of said works, or in the payment of the interest and principal of the said bonds; and to further enable them to pay the interest and principal of said bonds, the said burgess and town council are authorized to levy, assess and collect, annually, on all property, now or hereafter taxable for borough purposes, in addition to the rate of tax now authorized by law, a tax not to exceed seven mills on the dollar, to be known as the water tax, which shall be kept separate from other borough taxes, and shall be paid into and constitute part of the said water fund.

SECTION 4. That A. G. Voris, Dan Morgan and John C. Rhodes, be and are hereby appointed water commissioners for the purpose of supervising and overseeing the construction, maintaining and managing of the said water works, the first named of whom shall hold his office for the term of one year, the second for two years, and the last named person for three years; and hereafter the burgess and town council shall appoint, annually, a person as water commissioner to hold his office for a term of three years, and any other agent or officers

that may be necessary to carry out the provisions of this act; and the compensation of said commissioners and other officers shall be fixed by the town council, and paid out of the said water fund: *Provided however*, That neither the burgess nor any member of the town council shall at any time serve as such officer or agent, or be directly or indirectly concerned in furnishing materials or supplies, or doing work or labor to or about the erection or construction of the said water works, or the repair, maintenance or management of the same, nor shall they or any of them be allowed in any court of justice to recover compensation for such materials, supplies, work or labor to be done or furnished by them or any of them.

Compensation.

Proviso

SECTION 5. That the said burgess and town council shall have power and authority to ordain and enact all laws and ordinances to enable them to convey the said water through the said borough in all directions, and to such points outside of the borough, in the vicinity thereof, as may be desired, and to fix hydrants and fire plugs wheresoever they may deem proper, and to determine and adjust the rates and prices to be paid for the use of the water, and to ordain and enact all needful by-laws, ordinances and regulations, and generally to do all things requisite and necessary for carrying into full effect all the objects contemplated in this act.

Burgess and council may enact laws relative to conveyance of water, fix hydrants, &amp;c.

SECTION 6. The owners of all real estate shall be personally liable for the water furnished for use and used upon such real estate, but the said burgess and town council may, without effecting such liability, contract with and collect the water rents from the lessee or lessees of the property.

Property owners liable for water used on premises.

SECTION 7. If any person shall wilfully or maliciously do or cause to be done, any act or acts whatever, whereby any engine, pump, machinery, cistern, reservoir, pipes, conduits or any other matter or thing appertaining to the said water works shall be stopped or obstructed, injured, contaminated or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may therefore be indicted in the court of quarter sessions of Montour county, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both at the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of the said borough to recover full compensation in damages by civil suit.

Penalty for injuring works, &amp;c.

SECTION 8. That on the completion of the said water works, the said burgess and town council shall publish a particular and detailed statement of the cost of the said works, itemizing the cost of each part of the same, and shall annually publish a statement of the receipts into and payments from the water fund, including income from the works and receipts from taxes, and showing particularly the amount of debt owing on account of the construction and maintenance of said works, and the times when the same is payable; such publication to be made for at least three successive weeks in two weekly newspapers published in said borough.

On completion of works, burgess and council to publish statement of cost.

To publish annual statement of receipts and expenditures.

SECTION 9. That the act of assembly approved the fourteenth day of April, eighteen hundred and sixty-nine, entitled

Repeal.



"A supplement to the act to incorporate the Danville Water Company, approved March twenty-sixth, one thousand eight hundred and sixty-seven," excepting the sixth section of the said act, is hereby repealed.

WILLIAM ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and seventy-two.

JNO. W. GEARY.

No. 516.

## An Act

To incorporate the Danville Publishing Company.

Corporators.	SECTION 1. <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,</i>
Title.	That William J. Reed, A. Jackson Amnerman, A. Geriger, S. P. Kase, William F. Gearhart, William Kiner and D. H. B. Brower, and such other persons as may be associated with them, their successors and assigns, are hereby created a corporation under the name, style and title of the Danville Publishing Company, with a capital of ten thousand dollars, to be divided into two hundred shares of fifty dollars each, with the
Capital.	privilege of increasing the same to any amount not exceeding twenty thousand dollars, by a vote of the stockholders, at an annual or special meeting to be convened for that purpose by the president of the company, who shall be elected by a ma-
Privileges.	jority of the stockholders, and with authority to have and use a common seal, the same to change at pleasure, and by the name style and title aforesaid, shall be capable in law to sue and be sued in any court whatever, and may hold real and personal estate in fee, or for any less estate, and the said company may make all needful rules, regulations and by-laws for the management of the business of the company.
Directors.	SECTION 2. The affairs of said corporation shall be managed by a board of five directors, who shall choose one of their number president, another secretary and another treasurer; and said directors shall be elected annually, at meetings of the stockholders called for the purpose, and at such elections each stockholder shall be entitled to one vote.
First election.	SECTION 3. The first election shall be within ten days after the enrolment of this act, and annually thereafter, and the directors so chosen, and the officers by them appointed, shall