

L A W S

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1854,

IN THE

SEVENTY-EIGHTH YEAR OF INDEPENDENCE.

---

WITH AN APPENDIX.

---



---

HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1854.

No. 727.

## AN ACT

To incorporate the Meadville Gas and Water company; to change the name of the Meadville Cemetery, and relative to the Shermansville and Penn Line plank road 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 Commissioners. George Merriman, David Derrickson, William Gill, James R. Dick, Wilmot Bartle, Ashbell Clark, M. B. Lowry, John M'Farland, or any three of them are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall procure a suitable book and therein enter Open books. as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Meadville gas and water company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An act to incorporate the Meadville gas and water company;" Witness our hands this            day of            in the year eighteen hundred and            and shall thereupon give notice in two newspapers published in the county of Crawford, for two weeks at least of the time and place, when and where, the said books shall be kept open to receive subscriptions for the stock of the said company, at which time and place one or more of the said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said book in their own names, or in the names of any other person who shall authorize the same for shares in said stock, and the said book shall be kept open for the said purpose at least six hours in each juridical day for the space of five days, or until there shall have been subscribed one thousand shares, and if at the expiration of five days the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time or go elsewhere with the books and procure subscriptions as the occasion may require, and when the whole number of shares shall have been subscribed then the books shall be closed.

SECTION 2. That when one thousand shares of stock shall have been subscribed, and the sum of five dollars paid on each and every share, the commissioners who have acted or majority of such shall certify to the Governor under their hands and seals the names of the subscribers, and the number of shares subscribed by each and the sums paid thereon, whereupon the Governor shall by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate in deed and in law, by the name and style of Style. "The Meadville gas and water company," and by the same

- Privileges. name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and by said name the said corporation shall have power and authority to manufacture and sell gas, to be made of bituminous coal or other materials for the purpose of lighting the streets, buildings, manufactories and other places in the borough of Meadville, and to purchase, have, hold, receive and enjoy to them and their successors lands, tenements and hereditaments, goods, chattles and all estate real and personal, or mixed of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other privileges, liberties or franchises, but such as may be necessary or incident to the making of gas and the distribution thereof, and in supplying the citizens of the borough of Meadville with water: *Provided further*, That the said company shall at no time hold or possess any land for any other purpose, than the construction thereon of the necessary works and offices of the said company.
- Proviso.
- Proviso.
- Meetings of subscribers
- Duty of president and managers.
- SECTION 3. That the said named commissioners, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least two weeks previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy (which proxy shall have been obtained and bear date within four weeks previously to the election at which such proxy shall be presented) duly authorized, one president and six managers. The president and managers aforesaid shall conduct the business of said company until the first Wednesday in January thereafter.
- SECTION 4. 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, introduce and convey water into the borough of Meadville aforesaid, from such source, stream or springs as may be fixed upon or purchased by the president and managers, for that purpose, by means of pipes or otherwise; and for these purposes they may enter into such lands and enclosures as may be necessary, and to put up works, and to dig, ditch, and lay pipes in and 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 persons, to be appointed by the parties on application, by the court of common pleas of the county of Crawford, who shall be duly sworn or affirmed justly and truly to make such assessment. And the said president and managers shall at all times

have liberty to renew and repair the works, pipes, et cetera, wherever erected or laid, on or through private property, doing as little damage as possible; and also shall have liberty, at all times, to dig and lay pipes along the streets, roads and high-ways of the said borough and its vicinity, and to renew and repair the same as often as occasion may occur, shutting up and mending any breaches which they may make, as soon as possible.

SECTION 5. That the stockholders shall meet, annually, on the first Wednesday in January, and on the same day and month annually thereafter, at such place as may be fixed upon by the by-laws, of the time and place of which meeting notice shall be given, at least two weeks previously, in the newspapers aforesaid, and choose by ballot, by a majority of votes present, their officers for the ensuing year, as mentioned in this act, which officers so elected shall continue in office for one year, or until a new election shall be had; and the stockholders shall also meet at such other times, either upon the requisition of the managers or of any stockholders who own in the aggregate one hundred shares, as they may be summoned to meet by the said managers or stockholders, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes present, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act. And the number of votes to which each stockholder shall be entitled, at all elections and upon all questions submitted to any annual or special meeting of the said stockholders, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say, for each share, not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every five shares above ten shares, one vote; and no share shall confer a right of voting, which shall not have been holden two calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide, in his or her own right, or in the right of his wife, or for his or her sole use and benefit, as an executor, administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company, unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act. And at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Meeting of stockholders.

Proviso.

SECTION 6. That the election of officers provided for in this act, shall be conducted in the following manner, that is to say, the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election and to conduct the same, who, before undertaking so to act,

Election of officers, how conducted.

shall severally take and subscribe an oath or affirmation, before a justice of the peace or alderman, well and truly, according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed (which shall be and remain open at the office of the company, in the borough of Meadville, from twelve o'clock M. to three o'clock P. M.) shall count the votes, and the stockholders having the highest number of votes shall be declared duly elected. And if it shall at any time happen that an election of president or managers shall not be made, the corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful to hold and make such election of president or managers on the same day, or any other day thereafter, giving at least ten days' notice, signed by the president, in the newspapers before mentioned, of the time and place of holding such election; and they are hereby required so to do at least once in every twenty days, till the requisite officers are chosen; and the president and managers of the preceding year shall, in that case, continue to act, and be invested with all powers belonging to their respective stations, until an election shall take place. In case of the death or resignation, or removal from the State, of any president, manager, or other officer, his place shall be filled by the board of managers until the next annual election: *Provided*, That none but stockholders shall be eligible to be elected president or managers.

Proviso

Meeting of president and managers.

SECTION 7. That the president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, four of whom shall be a quorum, who, in the absence of the president, may choose a president pro tem., and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to buy land for the gas and water works, and erect the same, to appoint all such architects, surveyors, chemists, superintendents and other artists and officers as they shall deem necessary to construct and carry on the intended gas and water works, and to fix their salaries and wages, to enter into and execute contracts or covenants, in relation to the objects of said corporation, and to enforce the same, to ascertain the time, manner and proportions in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasury for money, which orders shall be signed by the president, or in his absence by the president pro tem., and countersigned by the secretary, and generally to do all such other acts and matters and things as by this act and by-laws and regulations of the company they are authorized to do.

Authority to borrow money.

SECTION 8. That the said company shall have power, from time to time, to borrow money if the board of managers shall so determine, to an amount not exceeding fifty thousand dollars, and to make and execute a mortgage or mortgages, pledge or pledges of the property and effects of said corporation for the security of the re-payment of the amount borrowed, or give such other evidences of indebtedness as may be agreed upon.

Certificates of stock.

SECTION 9. That the president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate signed by the president and countersigned by the secretary, and sealed with the common seal of the said corporation to each person,

for such share or shares as by him are subscribed and held, which certificate or evidence of stock shall be transferable at pleasure, in person or by attorney duly authorized in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate transferred as aforesaid, shall be a member of said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares as is therein mentioned, of the capital stock of all the estates and emoluments of the corporation, incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 10. That if after twenty days' notice in the public papers, as aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the works of the company, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and the additional penalty shall remain unpaid for such space of time as that, the accumulated penalty shall become equal to the sum or sums before paid in part, and on account of such share or shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; that in default of payment by any stockholder of any such instalments as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid; that in case of the transfer or assignment of any such share or shares, on which default has been made, as aforesaid, the president and managers of the said corporation may bring suit as aforesaid, either against the person who assigned or transferred the said share or shares, or the person to whom such transfer or assignment was made, for the recovery of any unpaid instalment, together with the penalty aforesaid.

Penalty for neglect to pay instalments.

SECTION 11. That the company shall have power and authority, and is hereby empowered and authorized, to erect gas posts, burners and reflectors, water tanks and spouts, and all things necessary thereunto, to dig such trenches in, along and across the public streets, lanes, alleys, canals and side-walks in the borough of Meadville, under the direction of the borough council, for the purpose of laying their pipes for the distribution of gas or water, as the said company may deem necessary: *Provided*, That the said company shall fill up said trenches and restore the said public roads, streets, lanes, alleys and side-walks, to as good condition as they were respectively in before the said trenches were dug, at the proper cost and expense of the said company.

Gas posts and burners.

SECTION 12. That if any person or persons shall open a communication into the street gas main, or other gas or water pipe of the said company, without authority from the inspector, or

Penalty for opening communications into gas main, &c.

other authorized agents of the said company, or shall let on the gas or water after it has been stopped by order of the said inspector or other authorized agent of the said company, for repairs or any other cause or purpose, or shall put up any pipes or burners, in addition to the pipes or burners originally put up and inspected, and introduce the gas or water into them without authority as aforesaid, he, she or they shall be subject to a penalty of not less than fifty, nor more than one hundred dollars for each and every such offence, to be recovered as debts of like amount are recoverable in law, one half to be paid to the informer, and the other half to the said company.

Penalty for  
injury to works.

SECTION 13. That if any person shall wilfully or maliciously do, or cause to be done, any act or acts whatever, whereby any building, construction, or works of said company, or any gas or water pipe, gas or water post, burner, or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof indicted and convicted in the court of quarter sessions, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court in this State having cognizance of the same.

Change of name.

SECTION 14. That the corporate name of the Meadville Cemetery, incorporated by act of Assembly, approved the eleventh day of March, one thousand eight hundred and fifty-two, shall hereafter be "Greendale Cemetery," and by that name and style hold the land and tenements heretofore purchased in the name of the Meadville Cemetery, and have power to purchase and hold any additional quantity not exceeding in the whole one hundred acres, and to dispose and convey such portions thereof, as may not be necessary for burial or ornamental purposes: *Provided*, The price received therefor shall be specifically appropriated and used in ornamenting said cemetery grounds.

Tolls.

SECTION 15. That the Shermansville and Penn Line Plank Road company may have put up gates and collect tolls on said road, as soon as three and one half miles of their road is finished.

W. P. SCHELL,

*Speaker of the House of Representatives.*

THO. CARSON,

*Speaker of the Senate.*

APPROVED—The thirteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.