

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:

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1856.

ing one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not in anywise 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.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

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

JAMES POLLOCK.

No. 621.

A N A C T

To incorporate the Schuylkill Haven Gas and 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 Samuel H. Shannon, Moses Reed, B. F. Kotner, Charles Huntzinger, Jacob Kantiver, George Kaufman, Daniel Saylor, Morgan Medler, John Rudy, John W. Shoemaker, John Dougherty, Lewis Royer, Philip Palm, Jacob Deibert, Charles Christ, Daniel Small, John Deibert, Isaac Kupp, John G. Kochler, Henry Hesser, John W. Deibert, Peter Laubenstein, Daniel H. Stager, or any three of them, are hereby appointed commissioners who shall procure suitable books and in each of them enter as follows: "We whose names are hereunto subscribed promise to pay to the Schuylkill Haven 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 assembly to incorporate the Schuylkill Haven gas and water company. Witness our hands and seals the day of , Anno Domini one thousand eight hundred and fifty-five;" and after they shall have given ten days' notice of the time and place, they shall open the said books to receive subscriptions for the stock of said company, and permit all persons of lawful age to subscribe; and the said commissioners who shall be present shall have power to adjourn from time to time, as they shall deem expedient, until the said stock, or such part thereof as shall be necessary, shall have been subscribed.

SECTION 2. That when three hundred and twenty-five shares of the stock shall have been subscribed, and one dollar paid on each share so subscribed, the said commissioners, or any three of them, shall certify the fact to the governor, with the names

Commissioners.

Duties

of the subscribers 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 four thousand shares, into a body politic and corporate in law, by the name, style and title of the Schuylkill Haven gas and 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 the carrying into effect the objects and purposes of this corporation, and the same from time to time to sell, mortgage, or otherwise dispose of, make dividends of the net profits as they deem proper, and to make and use a common seal, and also to ordain and put into execution such by-laws and ordinances as shall be necessary and convenient for the government of said company and for the preservation and security of their works and property, they not being contrary to the laws of this state or of the United States ; and if penalties shall be inflicted by any such by-law they shall be recoverable as debts of like amount are recoverable, or punished as like offences are punished, and generally to do the matters and things which lawfully appertain for them to do for the well being of the 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 distribution of gas or water in the borough of Schuylkill Haven and West Haven : *And provided further*, That no dividends shall be declared on any stock of the company until the interest on all bonds and mortgages are first paid.

SECTION 3. That when letters patent shall have been obtained the commissioners shall give ten days' notice of a time and place for the stockholders to meet and organize the company, and to choose by a majority of their votes by ballot, in person or by proxy, one president and five managers, who shall manage and conduct the business of the company until the first Monday of May next ensuing, and until like officers shall be chosen.

SECTION 4. That the stockholders shall meet annually on the first Monday of May, at such place as the by-laws shall fix, of which notice shall be given, and choose by a majority of their votes their officers for the ensuing year ; and the stockholders shall meet at such other times as they may be summoned by the managers, at which annual or special meeting they shall have power to make, alter or repeal, by a majority of their votes, all or any by-law, orders or regulations, and to adopt such measures regarding the interests of the company as to them shall be deemed expedient and which shall be carried into effect by the president and board of managers.

SECTION 5. That the president and managers shall procure certificates of stock, which, signed by the president and treasurer and sealed with the corporate seal, shall be delivered to each stockholder, and which shall be transferable at his pleasure in the presence of the president, treasurer or any other person appointed by the company for that purpose, subject, however, to all payments due or to become due thereon ; and when such assignment shall have been made and entered upon the books of the said company, the holder shall be a member of said company, and in every election or meeting the stockholders of said

company shall be entitled to one vote for each share of stock by him or her held.

Subscriptions.

SECTION 6. That if any subscriber for stock, or his or her assignee, shall refuse or neglect to pay any instalment called for by the said company at the place appointed, and the same shall remain unpaid for thirty days after the time appointed, he or she shall, in addition to the instalment called for, pay at the rate of five per centum per month for delay; and if the same shall remain unpaid so long as that this penalty shall amount to the sum actually paid in upon said stock, it shall be in the power of said company to forfeit said stock and the amount paid thereon, to be disposed of by said company as will best promote their objects and interest.

Powers and privileges.

SECTION 7. That the said company shall have power to provide, erect and maintain all works and machinery, or engines, necessary or proper for making, raising and introducing into the borough of Schuylkill Haven and West Haven, a sufficient supply of gas and pure water, and for that purpose may provide, erect and maintain all proper buildings, cisterns and reservoirs, for the reception of gas and water to be introduced, and for this purpose they are authorized and empowered by themselves, their agents, engineers and workmen, and with their tools, carts, wagons and horses, to enter into and upon such lands and enclosures, streets, lanes and alleys, roads, railroads and highways, as may be necessary to occupy or to obtain material for the construction of the said works, and to occupy, ditch and lay pipes through the same, and the same from time to time to repair, as necessity shall require; and if any injury be done to private property the said company shall make compensation therefor as hereinafter provided for.

Damages, how ascertained.

SECTION 8. That if in the location of said works any injury shall be done to private property, and the parties cannot agree upon the amount of compensation to be made to the owner, they may refer the subject to men mutually chosen by them, or either party may apply to the court of common pleas for the appointment of three judicious men to view the premises and make a report to the court, whose award shall be subject to the right of appeal by either party, and when appealed from, to be tried as other cases are tried in which damages are claimed by the plaintiff; or if no appeal be entered by either party within twenty days from the date of the award, it shall have the effect of a judgment, and be collected in like manner.

Prices of gas.

SECTION 9. That when the said company shall have introduced gas and water, or either, into the borough of Schuylkill Haven and West Haven, or either, and shall have constructed the necessary buildings, reservoirs, fixtures, pipes and fire plugs, wherever they shall deem the same necessary and proper, they shall fix and determine equitable rates of price to be paid by the citizens for the use of the said gas and water, and if the said rates be not paid according to the terms of the contract between the citizens who shall use the same and the company, the same may be collected by the said company as county rates and levies are now collected, or by action, as debts of like amount are recoverable, at their option.

Injuries to works.

SECTION 10. That if any person or persons shall put, or cause to be put, or in any way introduce into any dam or reservoir from which the water of said company is supplied, any noxious

or offensive matter, or shall go in to swim or bathe in the same, or shall cut, deface, or otherwise injure any part of the buildings, machinery, or other work and property belonging to said company, every such person shall pay a sum not less than five nor more than one hundred dollars, at the discretion of a magistrate, to be recovered as debts of like amount are recoverable, one-half for the use of the company, and the other one-half for the use of the person who shall sue for the same; and if the person against whom a judgment shall be rendered shall not pay the same, and no goods or chattels of his or hers can be found upon which levy may be made to satisfy the same, then any person so offending shall be committed to the jail of the county of Schuylkill, for any period not less than five nor more than sixty days.

SECTION 11. That it shall not be obligatory upon the said company to carry into effect all the objects contemplated by this act, and if upon opening the books for the subscription of stock, there shall not be a sufficient sum subscribed to effectuate the object of introducing both gas and water into the said borough and district, then it shall be in the power of said company, when organized, to confine their means to the attainment of either the introduction of gas or water, or both, into the borough of Schuylkill Haven or West Haven, or both, as the exigencies of the case in their judgment shall require.

SECTION 12. That the said company, if necessity require, shall have the power at any time to borrow any sum of money not exceeding twenty thousand dollars, to be applied to the prosecution or improvement of the said work or works, and to pledge their goods, chattels, property, franchises and effects, by mortgage or otherwise, for the security and re-payment of the same.

SECTION 13. That the chief burgess and town council of the said borough of Schuylkill Haven are hereby authorized and empowered to transfer and convey to the said company all that certain tract of land bounded on the north by Columbia street, on the east by the canal, on the south by a brick-yard, formerly owned by Charles Kantner, and on the west by lands now in possession of William Kramer, the same to be used by said company to erect their gas works upon: *Provided*, That such conveyance shall not be made until the said company are duly organized: *And provided further*, That the chief burgess and town council aforesaid, shall agree to make such transfer.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

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

JAMES POLLOCK.