

L A W S

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1857,

IN THE

EIGHTY-FIRST YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:
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1857.

No. 747.

A N A C T

To incorporate the Tuscarora Water Company, at Tuscarora, in the county of Schuylkill.

- 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. Alexander Silliman, Henry F. Haas, Henry Kepner, George Regan, Cornelius Stevenson, Jacob Alter, Edward Owen Parry, John C. Bullett and John S. Struthers, or any four of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned, that is to say they shall, on or before the first day of July next, procure a book and enter therein as follows: We, the subscribers, promise to pay to the Tuscarora water company the sum of ten dollars for every share of stock set opposite to our respective names, in such manner and proportion and at such times as shall be determined by the said company, in pursuance of the act of general assembly, entitled "An Act to incorporate the Tuscarora water company."
- Duties. Witness our hands this day of , in the year of our Lord one thousand eight hundred and ; and shall thereupon give notice in one or more newspapers published in the county of Schuylkill, for the space of two weeks or more, when and where within the town of Tuscarora, in the said county of Schuylkill, the said book will be opened to receive the subscription of stock, at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names or in the names of others, when they shall appear to be duly authorized, to subscribe for any number of shares in the said stock not exceeding ten shares on the first day; and the said book shall be kept open for three successive days, unless one thousand shares shall have been sooner subscribed; and if within the said three days the said one thousand shares shall not be subscribed, then the said commissioners, or the officers of the company after the same shall have been organized, may at any time afterwards open the book for the subscription of shares until the whole number aforesaid shall be subscribed: *Provided,* That every person offering to subscribe in the said book, in his own name or in the name of any other person, shall previously pay to the attending commissioners or officers five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.
- Proviso.
- Letters patent. SECTION 2. That when four hundred or more shares of stock shall be subscribed, the commissioners shall certify under their hands and seals the names of the subscribers and the number of

shares subscribed by each, to the governor of this commonwealth; and thereupon it shall be lawful for the governor, under his hand and seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of the Tuscarora water company, by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such lands, tenements, hereditaments and estate, real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That any three or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least ten days' notice in one or more of the newspapers printed in the county, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose by ballot from among the stockholders six managers to conduct the affairs of the company until the second Monday in May then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him not exceeding five, and for every five shares above the first five and not exceeding twenty, one vote, and for every ten shares above the first twenty, one vote; and the said managers shall appoint one of their number president of their board, who shall sign all contracts and certificates of stock; and the said president and managers shall appoint one of the stockholders residing in the said county, and not being a member of the board, treasurer of the company, and shall also have power to appoint such other officers and agents as may be necessary; and the election for officers thereafter shall be held annually on the second Monday in May, at such place within the said town as may be appointed by the managers, of which at least ten days' notice shall be given in one or more newspapers printed in the said county; and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That no misnomer or failure of election of officers on the day appointed shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place within the said town, and after such notice as the board of managers may prescribe.

SECTION 4. That the president and managers, or any five of them, shall have power to adopt such by-laws, rules and regulations as shall not contravene the constitution and laws of the United States or of this commonwealth, and may be necessary or expedient for the well governing the affairs of the company; and they shall also have power to call special meetings of the stockholders, whenever any circumstances occur which may render it necessary to consult them.

Certificates of stock.

SECTION 5. That the president and managers 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 the shares of the stock of said company, and shall deliver a certificate signed by the president and countersigned by the treasurer, and sealed as aforesaid, unto each person for the share or shares held by him or her as soon as five dollars shall be paid on such shares; and every such certificate shall be transferable in person or by attorney duly authorized, in the presence of two creditable witnesses, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first 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 and privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Meetings of managers.

SECTION 6. That the president and managers shall meet at such times and places as shall be directed by their by-laws, and when meet, four members shall be a quorum, and in the absence of the president a chairman may be chosen of the number met, and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books to be kept for such purpose, and a quorum being formed, they shall have full power to employ and contract with engineers, artists, and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same, and also to fix the times and manner, and in what proportion, the stockholders shall pay the moneys due on their respective shares, and to draw on the treasurer for all the moneys that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act or their by-laws, rules and regulations they shall be authorized to do.

Duties and powers of company.

SECTION 7. That it shall be the duty of the president and managers, as soon as may be after they shall be organized, to proceed to bring and convey into the town of Tuscarora, by means of pipes, trunks, aqueducts, or other means, some spring or stream of water from the neighborhood of the said town, and also provide proper cisterns or reservoirs for the reception thereof; and for the purpose aforesaid they may enter into such land or enclosure as may be necessary, and to make dams, and to dig ditches, and lay pipes and trunks through the same, 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 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 Schuylkill; and the president and managers shall at all times (paying the damages as aforesaid) have liberty to renew and repair the said dams, pipes or trunks wherever laid, and shall also have liberty at all times to dig and lay pipes or trunks along roads or highways, and along the streets and alleys, and public grounds within the said town, and to renew and repair the same, shutting up and amending any breaches which they

Damages.

may make, as soon as possible: *Provided also*, That nothing contained therein shall authorize the said company to make use of, or conduct the waters of the river Schuylkill for the purpose aforesaid, without the consent of the Schuylkill navigation company.

SECTION 8. That the said president and managers shall suffer individuals at all times to be supplied with water from said pipes, for domestic or manufacturing use, or for steam engines, for such reasonable compensation as shall from time to time be agreed upon by the said managers, and such individuals, according to such uniform rates which the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume, and to their distance from the place wherever the water is to be drawn; and any person or persons who shall take any of said water for domestic and manufacturing use, without having previously contracted for the same with the said president any managers, shall forfeit and pay for every such offence the sum of fifty dollars to the said president and managers, 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 the said town to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

SECTION 9. That the president and managers shall call in the capital stock of the said company by instalments, as the same may be requisite for the prosecution of the said work, and if any stockholder shall neglect to pay his instalment after thirty days' notice, published in one or more newspapers printed in the said county, then payment thereof may be enforced as in other cases; and whenever the debts of the said company shall have been paid, and the income shall exceed the expenses of the company, the president and managers shall declare a dividend on the stock paid in, half yearly, on the first Mondays of January and July in each year, and shall publish the said dividend, and the place where the same will be paid, and shall cause the same to be paid accordingly.

SECTION 10. That any person or persons who shall wilfully destroy, or injure in any manner, the pipes, aqueducts, cisterns or reservoirs, hydrants, buildings or machinery, or any of them, or any of the works of the said company, erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the spring or stream of water which shall be conveyed or brought into the town of Tuscarora by the said company, on being thereof convicted before any justice of the peace in and for the county of Schuylkill, by the oath or affirmation of one or more creditable witnesses, pay a fine of not less than five, nor more than twenty dollars, one-half to the use of the said town, and the other half to the informer, and shall moreover remain liable for all damages to the company.

SECTION 11. That if the said company shall not proceed to carry on the said works within three years after the passing of this act, or shall not within six years afterwards complete the same so far as to have conveyed the water within the limits of the town of Tuscarora, all and singular the rights, liberties and

franchises hereby granted to the said company, shall revert to this commonwealth.

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

WM. A. PIATT,
Speaker of the Senate.

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

JAS. POLLOCK.

No. 748.

AN ACT

To incorporate the Milton Gas 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 R. M. Frick, Samuel Hepburn, Isaiah R. Davis, J. H. M'Cormick, E. W. Chapin, J. F. Caslow, John Miller, John Roush, and their associates or persons who shall become stockholders, be and the same are hereby made and constituted a body politic and corporate by the name and style of the Milton gas company, and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts of law or equity within this commonwealth and elsewhere, and also of contracting and being contracted with relative to the business and objects of the corporation as hereinafter declared; and they and there successors as aforesaid shall have power to lease or purchase in fee simple such real estate as may be necessary for carrying on the business of said corporation.
- SECTION 2.** That the corporation hereby created is so created for the purpose, and for such purpose shall have authority of supplying with gas light the borough of Milton, in the county of Northumberland, and such individuals residing therein and immediate vicinity as may desire a supply of the same, and for distributing and selling gas for the production of artificial light, and for making and erecting the necessary apparatus for manufacturing and introducing the same, and constructing the requisite buildings and machinery, and purchasing and preparing the necessary materials, with the right to enter upon any of the public streets, lanes, alleys and side-walks in the borough of Milton and vicinity, for the purpose of laying pipes for the distribution of gas as the company may deem necessary, and may use such streams and water courses, and enter into such lands and en-
- Corporators.
- Style.
- Privileges.
- Objects and powers.