

Pennsylvania. Laws, statutes, etc.

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1866,

In the Ninetieth Year of Independence.

WITH AN APPENDIX.

By Authority.

HARRISBURG:
SINGERLY & MYERS, STATE PRINTERS.
1866.

No. 1060.

A Further Supplement

To an act, entitled "An Act to authorize the governor to incorporate a company for making an artificial road from, at, or near, the village of Belmont, in the county Wayne, in a southerly direction along, or near, the route of the North and South state road, until it shall intersect the Easton and Wilkesbarre turnpike road, in Northampton county."

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 election of officers of said company shall hereafter be held on the third Monday of November, in each year, under such restrictions as the elections have heretofore been held.

ARTHUR G. OLMSTED,
Speaker of the House of Representatives.

WILLIAM J. TURRELL,
Speaker of the Senate.

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

A. G. CURTIN.

No. 1061.

An Act

To incorporate the Tyrone 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 Jacob Burley, Pius Sneeringer, Caleb Guyer, Israel Miller, E. L. Study, J. H. Burley, James S. Plumer, John A. Heller, James M'Coy, John D. Stewart, J. L. Holmes, or such of them as become stockholders, and their associates, successors and assigns, or persons who shall become stockholders, be and are hereby made and created a body politic and corporate, by the name and style of the Tyrone Gas and Water Company, and by the said name they shall and may have per-

- Privileges.** petual succession, and shall be, in law, capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever, and also of contracting and being contracted with, relative to the business and objects of the said corporation; and they may have a common seal, and may change and alter the same at pleasure; and they shall have power to purchase and hold, in fee simple, such real estate as may be necessary, for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities, created for the purchase money for the same, and other necessary effects of the said corporation, as they may deem expedient: *Provided*, That such liabilities shall be created only for the purpose stated in this act.
- Seal.**
- Real estate.**
- Proviso.**
- To erect works, &c.** SECTION 2. That the said company shall have the exclusive right to provide, erect and maintain all works and machinery necessary, or proper, for making and introducing, into the borough of Tyrone, a sufficient supply of gas, and raising and introducing a sufficient supply of good and wholesome water, from the Sinking run, or some other convenient source; 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 upon such lands and enclosures, streets, lanes and alleys, roads, highways and bridges, as may be necessary to occupy, or obtain materials for the construction of said works, and to occupy, ditch and lay pipes through the same, and the same to repair, from time to time; and if any injury be done to private property, the said company shall make compensation therefor, in the manner hereafter provided.
- Buildings.**
- May enter upon lands, &c.**
- Compensation to owners.**
- Assessment of damages, where parties fail to agree.**
- Proviso.** SECTION 3. That if, in the location of said works, an 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 same to men, mutually chosen by them, or either party may apply to the court of common pleas of Blair county, for the appointment of three judicious men to view the premises, and make report to the court, whose award shall be subject to the right of appeal, by either party, as in cases under the compulsory arbitration law, and when appealed from, to be tried, as if an original action had been brought in said court; and if no appeal be entered, within twenty days after the said report shall have been filed, it shall have the effect of a judgment, and be collected in like manner: *Provided*, That the company may file bonds, with security approved by the court, and proceed with said work, the same as if judgment had been obtained and paid.
- Capital.** SECTION 4. That the capital stock of said company shall be twenty thousand dollars, to be divided into four thousand shares of five dollars each.
- Annual election of managers and officers.** SECTION 5. That the stockholders shall, annually, on the first Monday of July of each year, elect a president, six managers, secretary and treasurer, for said company; and until the first Monday of July, one thousand eight hundred and

sixty-six, such of the corporators, above named, as become stockholders, shall be the managers thereof, and shall choose from their number, a president, secretary and treasurer; and in case of failure to elect said officers, on the days named, the company shall not, for that reason, become extinct, but the officers shall hold over until others are elected to supply their places.

Certain corporators to be first board of managers.

SECTION 6. That the said company shall have authority to make and adopt such by-laws, rules and regulations for the government of the same, as they may deem proper: *Provided*, That the same do not conflict with the laws of this commonwealth, or of the United States.

By-laws.
Proviso.

SECTION 7. 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 other person appointed by the company, for that purpose, subject, however, to all assessments due and to become due thereon; and when such assignment shall have been made, and entered upon the books of the company, the holder shall be a member of said company, and in every election, or meeting of the stockholders of the said company, shall be entitled to one vote for each share of stock by him, or them, held.

Certificates of stock.

Assessments.

Votes.

SECTION 8. That if any subscriber for stock, or his 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 shall, in addition to the instalment called in, 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 by the said stockholders, it shall be in the power of the said company to forfeit the said stock, and the amount paid thereon, to be disposed of, by said company, as will best promote their objects and interests.

Unpaid subscriptions.

Forfeiture.

SECTION 9. That if any person, or persons, shall open a communication into the gas, or water, pipes of the said company, without authority from the proper officer thereof, or shall let on the gas, or water, after it has been stopped, by order of the company, or its authorized agent, or use any gas without drawing it through the metres, put up for the purpose of measuring the same, or shall put up any pipes, or burners, without having them inspected and approved by the proper officer appointed by the corporation to inspect, at proper times, and under circumstances, the pipes, metres and burners, et cetera, put up in any building, he, she, or they, so offending, shall be subject to a penalty of not less than twenty, nor more than seventy dollars, to be recovered before any justice of the peace, as debts under one hundred dollars are recovered, one-half to go to the informer, who shall be a competent witness, the other half to the company.

Penalty for use of gas, &c., without authority.

SECTION 10. That the said company shall have the exclusive right to fix and establish all necessary rules and regulations, as to the use of the said gas and water, furnished as aforesaid, and to the rates and prices to be paid by the citi-

Regulations, prices, &c.

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| Dividends. | zens using the same ; and to collect the same as debts are now collected, by the laws of this commonwealth ; and to declare dividends of the net profits of such company, at such times as may be prescribed by the by-laws : <i>Provided</i> , That such part of said work as may be deemed, by said company, advisable, shall be done, from time to time, and the company shall have as full power, over the work completed, as though they had finished the whole work contemplated by this act. |
| Proviso. | |
| Individual liability. | SECTION 11. That the stockholders of said company shall be liable, in their individual capacities, for all debts due mechanics, workmen and laborers, and for materials furnished to said company, to be sued for and recovered, as provided in the thirteenth, fourteenth and fifteenth sections of an act incorporating the Lackawanna Coal and Iron Company, approved April fifth, one thousand eight hundred and fifty-three ; and that the said company shall pay such tax upon dividends as is now, or may be, required by law. |
| Tax | |

ARTHUR G. OLMSTED,

Speaker of the House of Representatives.

WILLIAM J. TURRELL,

Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and sixty-five.

A. G. CURTIN.

No. 1062.

An Act

To incorporate the La Plata Silver Mining Company of Nevada.

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| 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> That George W. Stein, Dr. Abraham Stout, Andrew Pearce, Junior, J. Allen Kramer, Dr. Dewees, J. Martin, Emmet Blair, Cornelius M. Knause, William M. Flanders and Lewis H. Stout, and their associates, be and they are hereby created a body politic, by the name, style and title of the La Plata Silver Mining Company of Nevada, and by such name and title shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and of receiving, in its corporate name, property, real, personal and mixed, and of holding and improving lands in the state of Nevada, and to obtain therefrom any and all minerals and other valuable substances, whether by working, |
| Title. | |
| Privileges. | |