

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.

STATE OF PENNSYLVANIA



HARRISBURG:
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1857.

commissioners, shall be liable to the pains and penalties of perjury.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

JNO. C. FLENNIKEN,
Speaker of the Senate pro. tem.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred fifty-seven.

JAS. POLLOCK.

No. 92.

AN ACT

To provide for the incorporation of Gas and Water Companies.

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* whenever a special act of the general assembly shall be passed authorizing the incorporation of a gas or water company within this commonwealth, the commissioners named in such act, or any five of them, shall have power to open books for receiving subscriptions to the capital stock of said company, at such time or times and such place or places as they may deem expedient, after having given at least ten days' previous notice in one or more newspapers published, or having circulation within the county where said company shall be located; at which time and place two or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in such books in their own names, or in the name of any other person who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open respectively for the purpose aforesaid at least three hours in every juridical day, for the space of five days, or until the said books shall have therein subscribed the whole number of shares authorized by such special act, and if at the expiration of the said five days the books aforesaid shall not have the said number of shares authorized as aforesaid therein subscribed, the attending commissioners may adjourn from time to time and transfer the books from place to place, until the whole number of shares shall be subscribed, or such number of shares as shall be required before the issue of letters patent, as hereinafter provided, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to the number authorized or required as aforesaid, the same shall be closed: *Provided always, That every person offering to sub-*

Subscriptions of stock.

Who may subscribe.

Amount to be
paid on subscrip-
tion.

scribe in such books, in his or her own or any other name, shall at the time of subscribing pay to the attending commissioners any sum not less than one nor more than five dollars (as shall be fixed and determined by said commissioners previously to the opening of the books) for every share so subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary in taking such subscription, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Letters patent.

SECTION 2. When twenty persons or more shall have subscribed twenty per centum on the capital stock provided for by such special act of assembly, the said commissioners, or a majority of them may, or when the whole number of shares authorized as aforesaid shall be subscribed, they 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, whereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those also who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title designated by such special act; and by such name the said subscribers shall have perpetual succession, and all 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 subscription, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of such special act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Privileges.

Organization.

SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the manner provided for in the first section of this act, of the time and place by them appointed, at which time and place the said subscribers shall proceed to organize such corporation, and shall choose by a majority of the votes of the subscribers by ballot, delivered in person or by proxy, duly authorized, one president, five managers and one treasurer, and such other officers as may be necessary to conduct the business of said company, until the first Monday of May next ensuing, and until their successors shall be chosen, and shall then or at any other regular meeting, make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the proper management of the affairs of such company: *Provided always*, That each stockholder shall be entitled to one vote for each share of stock not exceeding ten shares, and one vote for every five shares exceeding that number: *And provided*

Votes.

also, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election, shall have been fully paid and discharged.

SECTION 4. That no person acting as judge or officer for holding an election for officers or managers of any gas or water company incorporated as aforesaid, shall enter on the duties of his office or appointment until he take and subscribe an oath or affirmation before a judge, alderman, or justice of the peace, that he will discharge the duties of his office or appointment with fidelity, that he will not receive any vote but such as he verily believes to be legal; and if any such judge or officer shall knowingly and wilfully violate his oath or affirmation, he shall be subject to all the penalties imposed by law upon the officers of the general elections of this commonwealth violating their duties, and shall be proceeded against in like manner and with like effect; and if any election for officers or managers as aforesaid be held, without the person holding the same having first taken an oath or affirmation as aforesaid, or be invalid for any other reason, such election shall be set aside in the manner now provided by law, and a new election ordered by the court of common pleas of the proper county, upon the petition of not less than five stockholders supported by proof satisfactory to said court.

Election officers to be sworn.

SECTION 5. That the stockholders of such company shall meet on the first Monday of May, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers as aforesaid to serve for the ensuing year, or until their successors shall be duly chosen, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform all lawful and necessary corporate acts: *Provided*, That no by-laws shall be altered or repealed without due notice thereof given at least one month previous thereto at a general or special meeting.

Election of officers.

SECTION 6. In case of the death, removal or resignation of either the president or any of the managers, treasurer or other officer of any such company, the remaining managers may supply the vacancy thus created until the next election. And it shall be lawful for the board of managers to require the treasurer, or any other officer of any such company, to give bond, with one or more sureties, for such an amount as they may deem necessary, conditioned for the faithful performance of the duties of the office to which he may have been elected or appointed.

Vacancies.

SECTION 7. That the president and managers of such company shall procure certificates or evidences of stock, and shall deliver them, signed by the president, countersigned by the treasurer, and sealed with the common seal of the corporation, to each person or party entitled to receive the same according to the number of shares by him, her or them respectively held; which certificates, or evidences of stock, shall be transferable at the pleasure of the holder, in person or by attorney duly authorized, in

Certificates of stock.

presence of the president or treasurer, subject, however, to all payments due or to become due thereon. And the assignee or party to whom the same shall have been so transferred, shall be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber or holder would have been; *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of managers shall consent thereto.

Payment of stock

SECTION 8. That if the stockholder, whether an original subscriber or assignee, after twenty days' notice of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay the same at the place appointed, for the space of thirty days after the time appointed for payment thereof, such stockholder shall, in addition to the instalment so called for, pay at the rate of one per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sum before paid on account of such share, the same may be forfeited by and to the said company, and may be sold by them at public sale for such price as may be obtained therefor, or in default of payment of any stockholders of such instalments as aforesaid for the space of sixty days after the time appointed as aforesaid, the president and managers may at their election cause suit to be brought in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid.

Powers of gas companies.

SECTION 9. That where any such company shall be incorporated as a gas company, shall have authority to supply with gas light the borough, town, city or district where it may be located, and such persons, partnerships and corporations residing therein or adjacent thereto as may desire the same, at such price as may be agreed upon; and also to make, erect and maintain therein the necessary buildings, machinery and apparatus for manufacturing gas from coal or other material, and distributing the same, with the right to enter upon any public street, lane, alley or highway, for the purpose of laying down pipes, altering, inspecting and repairing the same, doing as little damage to said streets, lanes, alleys and highways, and impairing the free use thereof as little as possible, and subject to such regulations as the councils of said borough, town, city or district may adopt in regard to grades, or for the protection and convenience of public travel over the same.

Powers of water companies.

SECTION 10. That where such company shall be incorporated for the supply of water, they shall have power to provide, erect and maintain all works and machinery necessary or proper for raising and introducing into the town, borough, city or district where they may be located, a sufficient supply of pure water, and for that purpose may provide, erect and maintain all proper buildings, cisterns, reservoirs, 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, highways and bridges, as may be necessary to occupy or to obtain materials for the construction of said works, and to occupy, ditch, and lay pipes through the same, and the same from time to time to repair, subject to such regulations in regard to streets, roads, lanes and other highways, as is provided in the foregoing section for gas companies. And if any injury be done to private property, the said company shall make compensation therefor in the manner hereinafter provided.

SECTION 11. That before any such water company shall proceed to occupy any land or enclosure, or to obtain and use any material therefrom for the purposes mentioned in the tenth section of this act, it shall and may be lawful for them to agree with the owner or owners thereof for the purchase of so much thereof as may be necessary, or as to the amount of injury sustained thereby; but in case they cannot agree, it shall and may be lawful for said company to apply to the court of quarter sessions of the county where their said works may be located, who upon such application are hereby authorized and required to appoint five disinterested and discreet persons of such county, who after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, and having given such notice to the parties interested as shall be directed by said court, shall carefully proceed to view and examine the said premises, and according to the best of their skill and judgment estimate the value of the lands or materials necessary to be taken as aforesaid, and of the injury sustained thereby, and shall make an appraisement thereof in writing, and the same shall return to the said court of quarter sessions; and where they shall be of opinion that any lands are necessary to be taken by said company for purposes aforesaid, they shall return with their appraisement of the value thereof a map or draft describing the bounds of such lands, and the said appraisement having been approved by the said court shall be filed in the office of the clerk of said court, together with the said map or draft, as the case may be. And the said company, having paid to the said owners respectively the sum or sums so awarded to them, and the costs of the appraisement, after the same shall have been confirmed by the court, shall be authorized to take and use said materials, and entitled to have and to hold to them their successors and assigns the said lands, for the purposes aforesaid: *Provided*, That either party may file exceptions to said return and appraisement, at any time within ten days after the same shall have been filed in the clerk's office as aforesaid; whereupon the court shall hear and determine the same, and may either confirm said appraisement absolutely, or appoint another jury, as the justice of the case shall require; in which latter case the proceedings of view, appraisement, return and confirmation, shall be as herebefore directed.

Damages for land taken by water company.

SECTION 12. That any of the said companies shall have the power and authority, if they shall deem it necessary for the purpose of their incorporation, to borrow any sum or sums of money, in their corporate capacity, not exceeding in the aggregate one-half of their capital stock paid in at the time of obtaining said loan, and to secure payment of the same may make and

May borrow money.

execute a mortgage or mortgages, pledge or pledges of the property and effects of their said corporation, or give such other evidences of indebtedness as may be agreed upon; and the managers shall provide for the payment of the interest upon any loan made under this section, out of the receipts for gas or water, as the case may be, before any dividends shall be paid to the stockholders: *Provided*, That no certificate of loan, or other evidence of indebtedness as aforesaid, shall be for a less sum than one hundred dollars.

Dividends.

SECTION 13. That the board of managers of said company shall declare dividends, payable semi-annually, of so much of the net profits of the company as shall appear to them advisable.

Penalties for illegally using gas or water.

SECTION 14. That if any person or persons shall open a communication into the water or gas main or other pipe of said company, without authority from the inspector or other authorized agent of said company, or shall let on the water or gas after either shall have been stopped by order of said inspector or authorized agent of said company, for repairs or any other cause or purpose, or shall put up any hydrants, pipes or burners, in addition to those originally put up and inspected, and introduce into them the water or gas, as the case may be, without authority as aforesaid, he, she or they shall be subject to a penalty of not less than ten, nor more than one hundred dollars, recoverable before any alderman or justice of the peace of the proper county as debts of like amount are by law recoverable, one-half to be paid to the informer and one-half to the company.

Penalty for injuries to works.

SECTION 15. That if any person shall wilfully or maliciously do or cause to be done, any act or acts whatever, whereby any building, construction, reservoir or works of said company, or any water or gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same, shall be stopped or obstructed, injured, contaminated or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may therefor be indicted in the court of quarter sessions of the proper county, and on conviction thereof shall be punished by 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 said company to a full compensation in damages by civil suit.

Reservation.

SECTION 16. That it shall and may be lawful at any time after twenty years from the introduction of water or gas, as the case may be, into any place as aforesaid, for the town, borough, city or district into which the said company shall be located, to become the owners of said works and the property of said company, by paying therefor the net cost of erecting and maintaining the same, with interest thereon at the rate of ten per cent. per annum.

Limitation.

SECTION 17. That every charter of incorporation which shall be granted under the provisions of this act, shall be subject to the power of the legislature to alter, revoke, or annul the same whenever in their opinion it may be injurious to the citizens of

the commonwealth, in such manner, however, that no injustice shall be done to the corporators.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 93.

SUPPLEMENT.

To an act incorporating the United States Insurance, Annuity and Trust Company, passed April the twenty-sixth, Anno Domini one thousand eight hundred and fifty.

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 from and after the passage of this supplement, the number of directors required for conducting the affairs of the United States insurance, annuity and trust company shall be altered so as to authorize and admit of the affairs of the said company being managed by any number of directors not exceeding fifteen, and not less than five in number, at the discretion of a majority of the stockholders of the said company.*

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

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

JAS. POLLOCK.

No. 94.

AN ACT

To incorporate the Upper and Lower St. Clair Turnpike 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*