

# LAWS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1887,

IN THE

ONE HUNDRED AND ELEVENTH YEAR OF INDEPENDENCE,

TOGETHER WITH

**A proclamation by the Governor, declaring that he has filed certain Bills in the office of the Secretary of the Commonwealth with his objections thereto, and a List of Charters of Corporations organized under the "Corporation Act of one thousand eight hundred and seventy-four," and the Supplements thereto.**

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**BY AUTHORITY.**

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HARRISBURG:  
EDWIN K. MEYERS, STATE PRINTER.  
1887.

Upon condemna-  
tion and payment  
of damages, turn-  
pike to be repaired  
and maintained.

SECTION 11. That when any turnpike, or portion thereof, shall have been condemned, under the provisions of this act, for public use, free of tolls or toll-gates, and the assessment of damages therefor shall have been paid by the proper county, such turnpike, or portion thereof, shall be properly repaired and maintained at the expense of the proper city, township or district, as other public roads or streets therein are by law repaired and maintained.

APPROVED: The 2d day of June, A. D. 1887.

JAMES A. BEAVER.

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No. 198.

### A FURTHER SUPPLEMENT

To "An Act in regard to the boundary monuments on the line between the State of Pennsylvania and New York, with an appropriation for the expenses of the same," passed on the eighth of May, one thousand eight hundred and seventy-six, making an appropriation for the payment of the balance due to the commissioners, as stated in their account accompanying their final report.

Appropriation of  
\$381.73 made.

SECTION 1. *Be it enacted, &c.*, That the further sum of three hundred and eighty-one dollars and seventy-three cents be and the same is hereby appropriated to pay to the commissioners, appointed under said recited act, in liquidation of the balance reported as due to Robert N. Torrey, in their final account, as rendered to and approved by the Secretary of Internal affairs.

APPROVED: The 2d day of June, A. D. 1887.

JAMES A. BEAVER.

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No. 199.

### AN ACT

Supplementary to an act, approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation of certain corporations," amending the thirty-fourth section thereof, extending its provisions to fuel companies, providing for their capital stock and regulation, and giving them the power of eminent domain.

Paragraph 1, section  
34, act of April 29,  
1874, cited for  
amendment and en-  
largement.

SECTION 1. *Be it enacted, &c.*, That the first paragraph of section thirty-four of the act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, which reads, "Companies incorporated under the provisions of this statute for the supply of water to the public, or for the manufacture and supply of gas, or the supply of light or heat to the public by any other means, shall, unless otherwise provided by this act, from the date of the letters patent creating the same, have the powers and

be governed, managed and controlled as follows," be and the same is hereby amended, so as to read as follows: Companies incorporated under the provisions of this statute for the supply of water to the public, or for the manufacture and supply of light, heat and fuel, or any of them, by any process of manufacture, shall, unless otherwise provided by this act, from the date of the letters patent creating the same, have the powers and be managed, governed and controlled as hereinafter provided.

Powers of water, light, heat and fuel companies.

SECTION 2. That clause first of section thirty-four of said act of April twenty-ninth, one thousand eight hundred and seventy-four, which reads, as follows: "Where any such company shall be incorporated as a gas company, or company for the supply of heat or light to the public, it 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, heat or light 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 or 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 the public travel over the same," be and the same is hereby amended, so as to read as follows: Where any such company shall be incorporated for the supply of heat, light and fuel, or any of them, by any process of manufacture, it shall have authority to supply such heat, light and fuel, or any of them, to the territory named in its articles of association, (which shall never cover more than a single county,) and to such persons, partnerships and corporations residing therein, or adjacent thereto, as may desire the same, at such prices as may be agreed upon, and shall have the power of eminent domain to appropriate property, so far as may be necessary, to enable it to acquire that which is necessary for its plant, (whether the same be in the county named in its articles of association, or elsewhere,) and for its lines of distribution; and the power also to make, erect and maintain the necessary building, machinery and apparatus for producing heat, light and fuel, or any of them, and to distribute the same; with the right to enter upon any public street, lane, alley or highway, for such purpose, to alter, inspect and repair its system of distribution, doing as little damage to said streets, lanes, alleys and high-

Clause 1, section 34, act of April 29, 1874, cited for amendment.

Heat, light and fuel companies authorized to supply heat, light and fuel to the public.

Such companies not to cover more than a single county.

Power of eminent domain.

Right to erect buildings, &c.

And enter upon and use streets.

ways, and impairing the free use thereof as little as practicable, and subject to such regulations as the councils of any borough or city, whose highways may be occupied, shall adopt in regard to grades, or for the protection and convenience of public travel over the same: *Provided*, That no company, which may now or hereafter be incorporated under the provisions of this act, shall enter upon any street in any city or borough of this Commonwealth, until after the consent, to such entry, of the councils of the city or borough, in which such street may be located, shall have been obtained. And the said right of eminent domain shall be exercised in the mode prescribed and according to the provisions of the forty-first section of the act, with this proviso, however, that where any such company shall use its system of distribution for the conveyance of gas for any of the purposes aforesaid at a greater pressure than four ounces per square inch of pressure, or where the gas manufactured shall contain more than ten per cent of carbonic oxide, such system of distribution shall be provided with suitable appliances for preventing, or taking up any leakage, so that danger to life, property and vegetation may be avoided.

**Subject to regulations of councils.**

**Consent of councils to be first obtained.**

**Exercise of right of eminent domain.**

**Distribution of gas regulated.**

**Clause 3, section 34, act of April 29, 1874, cited for amendment.**

**Franchisees for the manufacture of gas, for light only, to be exclusive.**

**When other company may be incorporated.**

**SECTION 3.** That clause three of section thirty-four of said act of April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, which reads as follows: "The right to have and enjoy the franchises and privileges of such incorporation within the district or locality covered by its charter shall be an exclusive one; and no other company shall be incorporated for that purpose until the said corporation shall have, from its earnings, realized and divided among its stockholders, during five years, a dividend equal to eight per centum per annum upon its capital: *Provided*, That the said corporation shall at all times furnish pure gas and water; and any citizen using the same may make complaint of impurity or deficiency in quantity, or both, to the court of common pleas of the proper county, by bill filed, and after hearing the parties touching the same, the said court shall have power to make such order in the premises as may seem just and equitable, and may dismiss the complaints, or compel the corporation to correct the evil complained of," be and the same is hereby amended, so as to read as follows: The right to have and enjoy the franchise and privileges of such corporation for the manufacture of gas, for light only, shall be an exclusive one, within the district or locality covered by its charter; and no other company shall be incorporated for the manufacture of gas to supply light only to the public until the said corporation shall have, from its earnings, realized and divided among its stockholders, during five years, a dividend equal to eight per centum per annum upon its capital stock: *Provided*, That said corporations shall at all

times furnish pure gas and water, and any citizen using the same may make complaint of impurity or deficiency in quantity, or both, to the court of common pleas of the proper county, by bill filed, and after hearing the parties touching the same, the said court shall have power to make such order in the premises as may seem just and equitable, and may dismiss the complaints, or compel the corporation to correct the evil complained of.

Jurisdiction of the courts on complaint of impurity or deficiency.

SECTION 4. Corporations of the character provided for herein shall be entitled to have a capital stock not exceeding five million dollars.

Capital stock limited to five million dollars.

APPROVED: The 2d day of June A. D. 1887.

JAMES A. BEAVER.

No. 200.

AN ACT

Making an appropriation to defray expenses of the Anthracite Mine Law Commission for one thousand eight hundred and eighty-three.

WHEREAS, As provided by the act of June first, one thousand eight hundred and eighty-three, a commission consisting of six miners, six mine inspectors and six operators was appointed to revise the anthracite mine laws of Pennsylvania;

Preamble No. 1.

AND WHEREAS, The sum, by said act appropriated, namely, fifteen hundred dollars, was set apart for salary of the members of said commission, who were miners, thereby making no provision for the actual and necessary expenses of the commission, such as printing, traveling expenses, *et cetera*; Therefore,

Preamble No. 2.

SECTION 1. *Be it enacted, &c.*, That the sum of fourteen hundred and eighty-eight dollars and sixty-seven cents be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the actual and necessary expenses of the members of the Anthracite Mine Law Commission, appointed in pursuance of the act of Assembly of first of June, one thousand eight hundred and eighty-three, to be paid by warrant drawn by the Auditor General on an itemized statement furnished him by the chairman of said Commission.

Appropriation of \$1,488 67 made.

How to be paid.

APPROVED: The 2d day of June, A. D. 1887.

JAMES A. BEAVER.

No. 201.

AN ACT

To provide for the expenses required by an act, entitled "An act to provide for the continuance of the education and maintenance of the destitute orphans of deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the State."

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter named, for the

Appropriations for two years commencing June 1, 1887.