

L A W S

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1870,

In the Ninety-fourth year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:

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1870.

erecting and building a new court house and the necessary public offices in the said borough of Mauch Chunk; and the county treasurer shall not be allowed any commissions for receiving the proceeds of sale hereby authorized to be made.

May, with consent of judges, select site.

May contract for erection of building.

Contract price limited.

SECTION 3. That in the event of the sale as aforesaid, the said commissioners, or any two of them, with the consent and approval of the judges of said court, may select and determine upon a site for the erection and building of the said new court house and public offices, and for this purpose may enter into a contract for the erection and building of the same; and the said court house and public buildings may be erected on any other lots now owned by the said county, or on any lot or lots of ground which the borough of Mauch Chunk may offer to give to said county for the purpose, (the said borough authorities, for this purpose, are hereby authorized and empowered to make such deed and conveyance, in fee simple, to said county,) or on any other lot or lots, in said borough, that the said commissioners may purchase, and for which authority is hereby given: *Provided*, That the contract price for the erection and building of said new court house and public house shall not exceed the sum to be paid for the lots and buildings hereby authorized to be sold, in a sum exceeding five thousand dollars.

BUTLER B. STRANG,

Speaker of the House of Representatives.

CHARLES H. STINSON,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and seventy.

JNO. W. GEARY.

No. 727.

An Act

To incorporate the Beaver Falls Water Company.

Commissioners.

Form of subscriptions.

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 John Reeves, H. F. Reeves, R. T. Hermon, G. W. Morrison, Robert Duncan, Samuel Mason, — Fessenden, Henry M. Myers and Simon Harrold, or any three of them, are hereby appointed commissioners, who shall procure suitable books, and in each of them enter as follows, viz: We, whose names are hereunto subscribed, promise to pay to the Beaver Falls Water Company, the sum of twenty-five dollars for every share of stock set opposite our respective names, in such man-

ner, and in such proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of the act of assembly to incorporate the Beaver Falls Water Company. Witness our hands and seals the day of , Anno Domini one thousand eight hundred and

And after they shall have given notice, for twenty days, Notice. of the time and place, they shall open the said books to receive subscriptions for the stock of the said company, and permit all persons of lawful age to subscribe for shares in said stock, until four thousand shall have been subscribed; Who may subscribe. and the said commissioners who act 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 two (2) thousand shares of the stock shall have been subscribed, and five dollars paid on each share so subscribed, the said commissioners, or any three of them, shall certify the fact to the governor, with the names of the subscribers, and the number of shares by each of them subscribed, 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 Beaver Falls 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 carrying into effect the objects and purposes of this incorporation, and the same from time to time to sell, mortgage or otherwise dispose of; make dividends of the profits, as they may deem proper, and to make and use a common seal, and also to ordain and put in execution such by-laws and ordinances as shall be necessary and convenient for the government of the said company and the preservation and security of their works and property, they not being contrary to the laws of this state or the United States; and if penalties shall be inflicted by any such by-laws, they shall be recovered as debts of like amount are recoverable, or punished as like officers 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 water in the borough of Beaver Falls and vicinity.

SECTION 3. That when the letters patent shall have been obtained, the said 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 eight managers, who shall manage and conduct the business of the company until the second Monday of May, Anno Domini one thousand eight hundred and seventy-one, and until like officers shall be chosen.

Certificate to governor.

Letters patent.

Title.
Powers and privileges.

Organization.

Election of president and managers.

Meetings of
stockholders.

SECTION 4. That the stockholders shall meet annually, on the second Monday of May, at such place as the by-laws shall fix, of which public 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 by-laws, 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.

By-laws, &c.

Certificates of
stock.

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 other person appointed by the company for that purpose, subject, however, to all payments due and 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 the said company; and in every election or meeting the stockholders of the said company shall be entitled to one vote for each share of stock by him or her held.

Votes.

Failure to pay
instalments of
stock.

SECTION 6. 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 for, pay at the rate of three per cent. 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 by the said stockholder, it shall be in the power of said company to forfeit the said stock and the amount paid thereon, to be disposed of by the said company as will best promote their objects and interest.

Authorized to
erect works.

SECTION 7. That the said company shall have power to provide, erect and maintain all works and machinery or engines necessary or proper for raising and introducing, for the purpose of supplying the inhabitants residing within the said borough of Beaver Falls and vicinity, a sufficient supply of pure water; and the company are hereby authorized and empowered to enter upon, take and hold, for the purpose of this act, to them and their successors and assigns, in fee simple, or for any less estate, so much of the waters of any stream or streams, spring or springs, within five miles of said borough of Beaver Falls, or any lands, tenements or hereditaments to which the waters of said stream or streams, spring or springs may be appurtenant, or any real or personal estate or property which shall be necessary to them in the prosecution of their works: *Provided*, That the same shall not exceed twenty-five acres, making compensation for the same as hereinafter provided; and the said company may provide, erect and maintain all proper buildings, cisterns and reservoirs for the reception of the water to be introduced, and for this purpose they are authorized and empowered by themselves,

May take water
from streams,
and hold lands.

May erect build-
ings, &c.

their agents, engineers and workmen, and with their tools, carts, wagons and horses, to enter into such lands and enclosures, streets, lanes, alleys, roads and highways as may be necessary to occupy so as to obtain materials 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 in the manner hereafter provided.

May enter upon lands to obtain materials and lay pipes.

SECTION 8. That if in the location of the 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 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 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.

Proceedings in cases of disagreement as to damages.

SECTION 9. That when the said company shall have introduced water into said borough of Beaver Falls and vicinity, to supply all or any part of the inhabitants thereof, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants and pipes wherever they shall deem the same necessary and proper, they shall then fix and determine equitably uniform rates of prices to be paid by the citizens for the use of said 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.

Authorized to fix rates of prices for use of water.

SECTION 10. That if any person or persons shall put or cause to be put, or in any way introduce into the dam or reservoir, spring or springs 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 injure any part of the buildings, machinery or works of the 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 person who shall sue for the same, and the other half for the use of the company; and if the person against whom a judgment shall be rendered shall not pay the same, and no goods or chattels of his 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 Beaver for any period not less than five nor more than sixty days.

Penalty for corrupting water, injuring buildings, &c.

SECTION 11. That said company, if necessity require, shall have power at any time to borrow any sum of money not exceeding fifty thousand dollars, to be applied to the prosecu-

Authorized to borrow money.

tion or improvement of the said work or works, and to pledge their goods and chattels, property, franchises and effects, by mortgage or otherwise, for the security and re-payment of the same.

Authorized to increase capital stock.

SECTION 12. That said company shall have the right and power to increase the capital thereof, if a majority of the stockholders shall so determine, at a meeting called for that purpose, to any sum not exceeding in the aggregate eight thousand shares or two hundred thousand dollars.

Failure to elect officers on day fixed.

SECTION 13. That any failure of the stockholders to elect their officers on the day fixed for the election of the same, shall not be taken or considered as working a dissolution of the corporation or a forfeiture of the rights and privileges granted by this act; but said officers may be elected at any subsequent time after due notice, and until such election is had the officers chosen at the last preceding election shall discharge the duties of their respective offices.

BUTLER B. STRANG,

Speaker of the House of Representatives.

CHARLES H. STINSON,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and seventy.

JNO. W. GEARY.

No. 728.

An Act

To provide for the improvement of Penn avenue, and other avenues and streets in the city of Pittsburg.

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 owners of property abutting on Penn avenue, in the city of Pittsburg, between Saint Mary's avenue and the eastern line of said city, shall be and are hereby authorized to elect five citizens of Pittsburg, owners of property abutting as aforesaid, to be known as commissioners of Penn avenue improvement, whose duty it shall be to control and superintend the grading, curbing and paving of that part of said avenue above-mentioned, and who shall serve without salary.

Election of commissioners authorized.

Duty of commissioners.

Who to conduct election.

When election to be held, &c.

SECTION 2. That A. J. Davis, George M'Williams and Robert Baxter shall be and are hereby appointed and authorized to conduct said election, which shall be held at such time and place as they or a majority of them shall appoint, not exceeding twenty days after the approval, by councils, of this act;