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20024-46

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

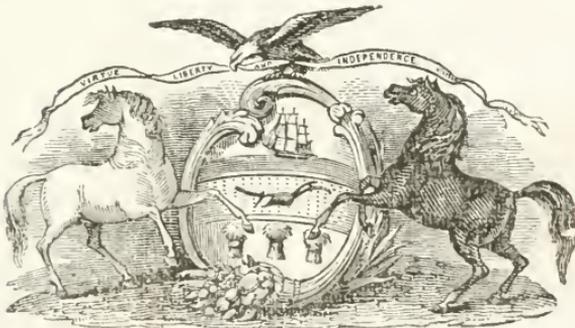
PASSED AT THE

SESSION OF 1853,

IN THE

SEVENTY-SEVENTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:
THEO. FENN & CO., PRINTERS TO THE STATE.
1853.

Preamble.

And whereas, His son, William Erwin, has made application for said land or its equivalent; therefore,

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 State Treasurer be and he is hereby authorized and required to pay to the heirs of Joseph Erwin, or to their order, the sum of two hundred dollars, as an equivalent for said bounty land.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON.

Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 339.

AN ACT

To incorporate the Carlisle 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*

Commissioners.

Frederick Watts, William M. Berton, John Sanderson, Edward M. Biddle, Richard Parker, F. A. Kenedy, John B. Bratton, Lemuel Todd, Armstrong Noble, Charles Ogleby, Henry Saxton, James H. Graham, E. Beatty, James F. Lamberton, J. B. Parker, George H. Hart, or any three of them, are hereby appointed commissioners, who shall procure suitable books and in each of them enter as follows: "We whose names are hereto subscribed, promise to pay to the Carlisle Gas and Water company the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of the act of Assembly to incorporate the Carlisle Gas and Water company; witness our hands and seals, the _____ day of _____, Anno Domini one thousand eight hundred and fifty-three," and after they shall have given notice for twenty days 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 shares shall have been subscribed, and the said commissioners who shall present, 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.

To procure books for subscriptions.

Notice of time and place to be given.

SECTION 2. That when one thousand shares of the stock shall have been subscribed, and one dollar 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 Carlisle Gas and 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, chattles 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-law, they shall be recovered as debts of like amount are recoverable, or punished as like offences 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 gas or water in the borough of Carlisle.

When letters patent to be issued.

Name and style.

Privileges.

Seal.
By-laws.

Proviso.

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 then next ensuing, and until like officers shall be chosen.

When to organize.

Officers.

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.

Stockholders to meet annually, to elect officers, &c.

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.

Certificates of stock.

SECTION 6. That if any subscriber for stock or his assignee, shall refuse or neglect to pay any installment called for by the said company, at the place appointed, and the same shall remain unpaid for thirty

Non-payment installments to forfeit stock.

days after the time appointed, he shall, in addition to the installment called for, pay at the rate of five 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 the 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 interests.

Powers of corporation.

SECTION 7. That the said company shall have power to provide, erect and maintain all works and machinery or engines, necessary or proper for making, raising and introducing into the borough of Carlisle a sufficient supply of gas and pure water, and for that purpose may provide, erect and maintain all proper buildings, cisterns and reservoirs, for the reception of the 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 into such lands and enclosures, streets, lanes and alleys, roads and highways, as may be necessary to occupy or 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.

Damages, how to be assessed.

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.

Rates of prices to be fixed.

SECTION 9. That when the said company shall have introduced gas and water into the said borough of Carlisle, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants, pipes and fire-plugs, 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 the said gas and 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.

Penalty for injuries.

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 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 chattles of his can be found upon which levy may be made to satisfy the same, then any person so offend-

ing shall be committed to the jail of the county of Cumberland, for any period not less than five nor more than sixty days.

SECTION 11. That it shall not be obligatory upon the said company to carry into effect all the objects contemplated by this act, and if upon opening the said books for the subscription of stock, there shall not be a sufficient sum subscribed to effectuate the object of introducing both gas and water into the said borough of Carlisle, then it shall be in the power of the said company, when organized, to confine their means to the attainment of either the introduction of gas or water, or both, as the exigencies of the case in their judgment shall require. May erect either gas or water works.

SECTION 12. That it shall be lawful, and the borough of Carlisle may in its corporate capacity subscribe for any number of shares of the stock of the said company, and to enable it to do so, the said borough is hereby authorized to borrow from time to time any amount of money not exceeding the amount subscribed, and to pledge their property and franchise for the repayment of the same, and if the said borough of Carlisle shall subscribe and take one-third or more of the said capital stock which shall be subscribed for the completion of the said work or works, the town council of the said borough shall annually appoint three managers of the said company, and in that event the election of all other stockholders shall be confined to the president and five managers, and other stockholders shall alone have power to vote at elections and meetings. Borough of Carlisle authorized to subscribe for stock.

SECTION 13. That said company is hereby required to pay a dividend of six per cent. per annum upon the stock subscribed and amount paid by each stockholder, until the said work or works as shall be determined shall be completed. Dividends.

SECTION 14. That the 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 prosecution or improvement of the said work or works, and to pledge their goods and chattles, property, franchise and effects, by mortgage or otherwise, for the security and repayment of the same. May borrow money.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.