

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1856,

IN THE

EIGHTIETH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1856.

Provided, That no bond or other security for such loan shall be for a less sum than one hundred dollars.

E. B. CHASE,
Speaker of the House of Representatives.

M. M'CASLIN,
Speaker of the Senate.

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

WM. BIGLER.

No. 597.

A N A C T

To incorporate the Hollidaysburg Water and Gas 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 James M. Bell, Thomas B. Moore, Henry Leamer, Thaddeus Banks, R. R. Bryan, R. A. M'Murtrie, Thomas C. M'Dowell, Gilbert L. Lloyd, Henry L. Patterson, David Watson, Thomas Bingham, John Cresswell, junior, and William M'Farland, and their successors, associates and assigns, or persons who shall become stockholders, be and they are hereby made and created a body politic and corporate, by the name and style of The Hollidaysburg water and gas company, and by the said name they shall have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatures 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 lease or purchase 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 said corporation, as they may deem expedient: *Provided*, That such liabilities shall be created only for the purposes stated in this act.

SECTION 2. 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 Hollidaysburg a sufficient supply of pure water and gas, and for that purpose may provide, erect and maintain all proper buildings, cisterns and reservoirs for the reception of water and gas 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 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 repair, and if any injury be done to private property, the said company shall make compensation therefor, in the manner hereafter provided.

Damages. how
ascertained

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 or owners, 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, 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.

Capital.

SECTION 4. That the capital stock of said company shall be forty thousand dollars, to be divided into sixteen hundred shares of twenty-five dollars each, with the right to increase said capital stock from time to time, as the board of directors may deem necessary: *Provided*, That the whole capital stock shall not exceed eighty thousand dollars.

Elections.

SECTION 5. That the stockholders shall annually on the first Monday in January of each year, elect a president, nine managers, secretary and treasurer for said company, and until the first Monday in January next, the corporators above named shall be the managers thereof, and shall choose from their number a president, secretary and treasurer.

By-laws

SECTION 6. That 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 constitution and laws of this commonwealth.

Borough of Hollidaysburg may
subscribe.

SECTION 7. That it shall be lawful for the borough of Hollidaysburg in its corporate capacity, to subscribe for any number of shares of stock of the said company, specifying, if the said borough in its corporate capacity, as aforesaid, thinks proper, whether the subscription so made by the said borough shall be applied to the construction of water or gas works, and to enable the said borough of Hollidaysburg to subscribe stock as aforesaid, it is hereby authorized to borrow from time to time, any amount of money not exceeding the one-third of the whole sum required to carry into successful operation the said water works or gas works, or both of them, and to pledge their property and franchises for the payment of the same; and if the said borough of Hollidaysburg shall subscribe and take one-third of the capital stock which shall be subscribed for the completion of said work or works, the town council of the said borough shall annually appoint two managers of the said company, and in that event the election of all other stockholders shall be confined to the president and nine managers, and other stockholders shall alone have power to vote at such elections and meetings.

And elect two
managers

Certificates of
stock

SECTION 8. That the president and managers shall procure certificates of stock, which, when 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 or

her 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 of stockholders of the said company, shall be entitled to one vote for each share of stock by him or them held.

SECTION 9. That if any subscriber for stock to said company, or his or their assigns, 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 or they 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 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.

SECTION 10. That the said company, if necessity require, shall have power at any time to borrow any sum of money not exceeding fifteen thousand dollars, to be applied to the prosecution or improvement of the said work or works, and to pledge their goods and chattels, property, franchises and effects, by mortgage or otherwise, for security and re-payment of the same: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

E. B. CHASE,
Speaker of the House of Representatives.

M. M'CASLIN,
Speaker of the Senate.

APPROVED—The sixteenth day of March, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 598.

A N A C T

To incorporate the Tyrone and Clearfield Railroad 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 James J. Duncan, James Murphy, William H. Allen, George D. Wetherill, David Jayne, William C. Patterson, Joseph Ripka, Samuel Schober, John Grigg, George H. Hart, Frederick Cotterel, Robert Patterson, Jacob Lex, Franklin Bell, William M. Swain, A. S. Roberts, W. W. Paul, George A. White, Joseph B. Ard, A. C. Wilson, Morris Patterson, Samuel Milliken, senior, John M. Hale, Thomas L. Bailey, J. B. Meyers, H. N.