

*Sambie*

# L A W S

OF THE

## GENERAL ASSEMBLY

OF THE

# STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1859,

IN THE

EIGHTY-THIRD YEAR OF INDEPENDENCE.

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WITH AN APPENDIX.

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HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1859.

nected therewith, he or they shall pay treble the amount of the damage done to the corporation, to be recovered by action of trespass, and further be liable to indictment and prosecution, before the court of quarter sessions, for a misdemeanor, and on conviction shall be sentenced to pay a fine for the use of the county, not exceeding five hundred dollars, and to suffer imprisonment in the county jail, not exceeding two years.

SECTION 7. That if any logs or lumber shall be boomed and secured as aforesaid, and no person should appear to claim the same and pay the tolls thereon, within thirty days, it shall be lawful for the corporation, after advertising the same in one or more newspapers in the boroughs of Williamsport and Laporte, for the space of thirty days, designating the marks thereon, if any there be, to dispose of the same at public outcry, to the highest and best bidder; and after defraying the expenses of boomage, advertising and selling out of the proceeds, shall pay over any balance to the owner or owners, whenever he or they may appear; if, however, a claim to the property is made and sustained by proof, prior to the sale and the boomage, and expenses of advertising be paid, the property shall be immediately delivered up.

Tolls upon boomed lumber, how collected, &c.

SECTION 8. That for the purposes aforesaid, the said corporation be and they are hereby authorized and empowered to purchase, hold and possess any real estate adjacent to said Loy-alsock creek, as may be deemed necessary for the objects contemplated by this act: *Provided*, That the quantity of land so held shall not at any one time exceed one thousand acres.

Authorized to hold real estate.

Proviso.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, Jr.,

*Speaker of the Senate.*

APPROVED—The twelfth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

No. 692.

**A N A C T**

To incorporate the Manayunk and Roxborough 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 Joseph Ripka, William B. Stephens, John F. Preston, Christian B. Miller, J. Towers Ogle, Archibald Campbell, James B. Winnipinny, Daniel Arbuckle, David Wallace, Bernard M'Cain, William M'Glinchey, John Bromly, John Adams, William Dawson, (waterman,) Charles Thompson Jones, Charles E. Graeff, Mi-

Corporators.

- chael Blime, George W. Davis, Israel V. James, John Harris, Jr., James Shaw, James Bowker, William M'Fadden and Edward Strause, and their associates, successors and assigns, and other 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 Manayunk and Roxborough water company, and by the said name they shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories 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 or otherwise, such real estate as may be necessary for carrying on the business of said corporation, not exceeding forty acres, and in their corporate name to make and execute 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.
- Style.**
- Powers, &c.**
- Seal.**
- Real estate.**
- Powers and privileges.** SECTION 2. That the said company shall have power to provide, erect and maintain all works, machinery, fixtures or engines necessary or proper for raising, introducing and distributing into the districts of Manayunk and Roxborough, in the Twenty-first ward of the consolidated city of Philadelphia, a sufficient supply of pure water, and for that purpose may provide, erect and maintain all proper buildings and reservoirs for the reception of the water to be introduced; and for this purpose they are authorized and empowered, by themselves, their agents, engineers and workmen, to take water from any stream, and with their tools, carts, wagons and horses to enter upon lands and enclosures, streets, lanes and alleys, roads, highways and bridges, as may be necessary to occupy or to obtain necessary materials for the construction of the said works, and to occupy, ditch and lay pipes, and from time to time to repair the same; and if any injury shall be done to private property, the said company shall make compensation therefor, in the manner hereafter provided.
- Injury to private property, how settled and adjusted.** 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, they may refer the same to men mutually chosen by them, or either party may apply to the court of common pleas of the county, 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 stock.** SECTION 4. That the capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into six thousand shares of twenty-five dollars each; and the said company shall have the right to increase their said capital stock from time to time, as the board of directors may deem necessary:

*Provided*, That the whole capital stock shall not exceed two hundred and fifty thousand dollars. Proviso.

SECTION 5. That the stockholders shall annually, on the first Monday in June of each year, elect a president, twelve managers, secretary and treasurer for said company. Election of managers and officers.

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 laws of this commonwealth. By-laws. Proviso.

SECTION 7. 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 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 stock by him or them held. Certificates of stock, how transferable, &c. Votes.

SECTION 8. 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 in, pay at the rate of five per centum 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 stockholders, 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. Subscriptions to stock, relative to payment of, &c.

SECTION 9. That the said company, if necessity requires, shall have power at any time to borrow any sum of money, not exceeding one hundred 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 the security and re-payment of the same: *Provided*, That no bond or other security for such loan, shall be for a less sum than one hundred dollars. Authorized to borrow money. Proviso.

SECTION 10. That the powers, privileges, &c., granted to the city of Philadelphia, for the introduction of water, be and the same are hereby extended to the Manayunk and Roxborough water company; also, that in case the councils of Philadelphia should at any time desire to own or obtain the works of the Manayunk and Roxborough water company, the same may be done by mutual agreement by the city councils and the Manayunk and Roxborough water company. Certain privileges extended to. City of Philadelphia may purchase works.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, Jr.,

*Speaker of the Senate.*

APPROVED—The ninth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.