

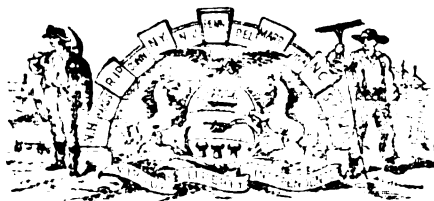
**LAWS**  
OF THE  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF PENNSYLVANIA,**  
PASSED AT THE  
**SESSION OF 1865,**

In the Eighty-Ninth Year of Independence.

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*With an Appendix.*

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**HARRISBURG:**  
**SINGERLY & MYERS, STATE PRINTERS.**  
1865.

No. 859.

**An Act**

To incorporate the Manchester Water Company, of Allegheny county.

**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 W. H. Phelps, James A. Hutchinson, John S. Hall, W. S. Pratt, A. Patterson, W. J. Madeira, W. B. Ross and John Mussler, of the borough of Manchester, and county of Allegheny, or any three of them, are hereby appointed commissioners, to perform the several things, hereinafter mentioned; that is to say, they shall procure a suitable book, or books, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay, to the Manchester 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 said company, in pursuance of an act of the general assembly of the commonwealth of Pennsylvania, entitled 'An Act to incorporate the Manchester Water Company.' Witness our hands and seals, this day of , Anno Domini one thousand eight hundred and sixty-four;" and shall, thereupon, give notice, in two newspapers, published in the county of Allegheny, for two weeks, at least, of the time and place, or places, when and where the said book, or books, shall be opened, to receive subscriptions to the stock of the said company; at which time and place, or places, one, or more, of the commissioners shall attend, and furnish to all persons, duly qualified, who shall offer to subscribe, an opportunity of so doing; and it shall be lawful for all such persons, and for all firms and co-partnerships, by themselves, or by persons duly authorized, to subscribe for shares in said stock; and the said book, or books, shall be kept open, for the said purpose, at least six hours, in each juridical day, for the space of three days, or until there shall have been subscribed four thousand shares; and if, at the expiration of three days, as aforesaid, the said book, or books, shall not have the number of shares, aforesaid, therein subscribed, the said commissioners may adjourn, from time to time, or go elsewhere, with the books, and procure subscriptions, as the occasion may require; and when the whole number of shares shall have been subscribed, the book, or books, shall be closed: *Provided,* That every person, offering to subscribe in said book, or books, in his own name, or the name of any other person, or firm, shall, at the time of subscribing, be required to pay, to the attending commissioners, one dollar on each share; and the money, so received, by said commissioners, and the expenses, attending the taking of said subscriptions, and other incidental

Commissioners

Subscriptions  
to stock, rela-  
tive to.Notice to be  
given.Payments on  
stock.

charges, being first deducted therefrom, shall be paid over to the treasurer of said company, as soon as the same shall be organized.

**When letters patent to be issued.**

**SECTION 2.** That when five hundred shares of stock shall have been subscribed, the commissioners, who have acted, or a majority of them, shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the amount paid on each share; whereupon, the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and constitute the subscribers, and if the subscription be not full at the time, those who shall, thereafter, subscribe, to the number of shares aforesaid, their successors and assigns, into a body politic and corporate, in deed and in law, by the name, style and title of the Manchester Water Company; and by the said

**Corporate name**

**Privileges.**

name, style and title, the subscribers shall have perpetual succession, with all the privileges, immunities and franchises incident to a corporation, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, use and enjoy, to them and their successors, goods, chattels, and estate, real and personal, of which kind and nature soever, and the same, from time to time, to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such part of the profits, as they may deem proper; and, also, to make and have

**Seal.**

a common seal, and the same to alter and renew, at pleasure; and, also, to ordain, establish and put in execution such by-

**By-laws.**

laws, ordinances and regulations, as shall appear convenient, for the government of said corporation, not being contrary to the laws of the United States, or of this commonwealth, and generally to do all and singular, the matters and things, which to them it shall lawfully appertain to do, for the well being of said corporation, and the due management of the affairs thereof: *Provided*, That nothing, herein contained, shall be

**Prohibition.**

construed as in any way giving to said corporation any banking privileges, or any other privileges, liberties, or franchises, but such as may be necessary, convenient, or incident, to the distribution and supply of water to the citizens of the borough of Manchester, as hereinafter mentioned: *Provided further*, That the said company shall, at no time, hold, or possess, any land, for any other purpose, than the construction thereon of the necessary works and offices of the company.

**Organisation.**

**SECTION 3.** That when letters patent shall have been obtained, the commissioners aforesaid, or such of them as shall have acted, shall appoint a time and place for the subscribers to meet, to organize the company, and shall give at least two weeks' notice thereof, in the manner provided for in the first section of this act; and the subscribers, when met, shall elect, by a majority of the votes present, to be given in person, or by proxy, a president and eight managers, who shall manage and conduct the business of the company, until the first Tuesday in May, thereafter, and until like officers are chosen.

**Election of officers.**

**SECTION 4.** That the stockholders shall meet on the first Tuesday in May, in every year, at such places as may be fixed on by the by-laws; of which meeting notice shall be given, by

the secretary, in the manner provided in the first section of this act; and choose, by a majority of the votes present, to be given in person, or by proxy, a president and eight managers, for the ensuing year, who shall continue in office until the next annual election, and until others are chosen; the stockholders may, also, meet at such times and places, as they may be summoned by the president and managers, in such manner and form, and giving such notice, as may be prescribed by the by-laws; at which annual, or special, meeting, the stockholders shall have power to make, alter, or repeal, by a majority of votes given, all by-laws, orders, or regulations, and to do and perform every other corporate act: *Provided*, That the president, on the request, in writing, of any number of stockholders, representing, in the aggregate, not less than one hundred shares, shall call a special meeting of the stockholders, giving such notice as may be prescribed by the by-laws, and stating, specifically, the objects of the meeting; and the objects stated, in said notice, and no other, shall be acted on at such special meeting.

Meetings of stockholders.

Special meetings, relative to.

SECTION 5. That the election of officers, provided for in this act, shall be conducted in the following manner, to wit: at the first election, the commissioners shall appoint two stockholders to be judges of said election, shall hold the same, and at every subsequent election, the managers, for the time being, shall appoint two stockholders, for the like purpose; and the persons so appointed, by said commissioners, or managers, shall not be eligible to an election, as president, or manager, at such election, and respectively, take and subscribe an oath, or affirmation, before an alderman, or justice of the peace, well and truly, and according to law, to conduct such election, to the best of their knowledge and ability; and the said judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes, and the stockholders having the highest number of votes shall be declared duly elected; and if it shall happen that an election of president, or managers, shall not be made, the corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful to hold and make such elections of president, or managers, on the same day, or any day thereafter, the secretary giving notice of the time and place of holding said election, in the manner provided in section first, and the president and managers of the preceding year shall, in that case, continue to act, and be invested with all powers, belonging to their different stations, until an election shall take place; and in case of death, or resignation, or removal from the state, of any president, or manager, or a failure to elect, in case of a tie vote, the vacancy shall be filled by the board of managers, until the next annual election; at all elections, by the stockholders, and upon questions submitted to any annual, or special, meeting of stockholders, each share of stock shall entitle the holder thereof to one vote: *Provided*, That no person shall be permitted to vote at the first election of said company, unless he, or she, has paid one dollar on each share of stock, by him, or her, subscribed; and at all subsequent elections, and at the annual, or special, meetings of the stockholders, no person

Mode of conducting elections.

Failure to hold election not to dissolve corporation.

Vacancies, how to be filled.

Votes. Qualifications of voters.

shall be permitted to vote, unless he, or she, shall have fully paid all the instalments called for, then due on the shares by him, or her, subscribed : *Provided further*, That none but stockholders shall be eligible to be elected president, or managers.

Who eligible as officers.

Powers and duties of president and managers

SECTION 6. That the president and managers of said company, for the time being, are hereby authorized to exercise all the powers granted to the corporation; they shall meet at such times and places, as shall be deemed most convenient, for the transaction of their business, and when met, five shall be a quorum to do business, and in the absence of the president, may choose a president *pro tempore*; they shall keep minutes of their proceedings, fairly entered in a book; they shall choose a secretary and a treasurer, for the current year, and a quorum being formed, they shall have power to purchase land, for the necessary works and offices of the company, and erect the same; to appoint all such architects, surveyors, superintendents and other artists and officers, as they may deem necessary, to construct and carry on the intended water works, and to fix their salaries and wages; to enter into the execution of contracts and covenants, in relation to the objects of said corporation, and to enforce the same; to draw orders, on the treasurer, for moneys, which orders shall be signed by the president, or in his absence, by the president *pro tempore*, and countersigned by the secretary; and generally to do all such other acts, matters and things as, by this act and the by-laws and regulations of the company, they may be authorized to do.

Authorized to introduce water, erect works, enter upon lands, lay pipes, &c.

SECTION 7. That said company shall have power to raise and introduce, into the borough of Manchester, in the county of Allegheny, a sufficient supply of Ohio river water, for the use of the inhabitants of said borough; and for this purpose, the said company shall have full authority to provide, erect and maintain all necessary and proper buildings, works, machinery and reservoirs, and to convey water from said river, in conduit pipes, or otherwise, through any public, or private, grounds, roads, streets, or alleys, to the reservoir, or reservoirs, of said company, and the same to distribute, by conduit pipes, or otherwise, for the use of the inhabitants of said borough; and for said purpose, the said company shall, at all times, have authority, by themselves, or their agents, to enter upon, dig and lay pipes, in and through, all lands, grounds and enclosures, public and private; and also, shall, at all times, have liberty to dig and lay pipes, in and along the streets, roads and highways of the said borough, shutting and mending, as soon as possible, any breaches which they may make, and the said pipes, wheresoever laid, to renew and repair, as circumstances may require; and it shall be lawful for said company to enter into, and appropriate to their use, any land in the said borough, which may be necessary for the location of the aforesaid buildings, works and reservoirs: *Provided*, That before said company shall take possession of any lands, which they may appropriate, for the site of their aforesaid buildings, works and reservoirs, they shall make compensa-

Proviso.

tion to the owner, or owners, or tender adequate security therefor.

SECTION 8. That if the said company cannot agree with the owner, or owners, of any lands, appropriated to the use of said company, as aforesaid, or through which said company may have laid down their pipes, as to the said compensation, which should be paid to said owner, or owners, or if, by reason of absence, or legal incapacity, the said company cannot treat with said owner, or owners, the company, or said owner, or owners, or some one on behalf of either, may apply to the court of common pleas of Allegheny county, by petition; and it shall be the duty of said court to appoint three disinterested persons, to review and assess the damages sustained by the said owner, or owners, or which may probably be sustained in the prosecution of the said work; and it shall be the duty of the persons, so appointed, to meet on the premises, on a day to be fixed by the court; of which meeting ten days' notice shall be given, by petitioners, to the other party, and to each of the viewers; and the said viewers, having been duly sworn, or affirmed, to do impartial justice, between the parties, according to the best of their judgment and abilities, shall proceed to view the premises, with regard to the damages and injury complained of, and taking into consideration the advantages and disadvantages, likely to result to said owner, or owners, from the location and construction of said works, through, or upon, their land, shall report, to the said court, the amount of damages, so found and assessed by them, to said owner, or owners, if any; and if the said report shall be approved by the court, judgment shall be entered thereon, in favor of said owner, or owners, for the amount of the damages, so assessed, and the same shall be collected as other debts: *Provided*, That the costs of such proceedings shall be paid by the company.

Damages, how to be assessed and collected.

SECTION 9. That when the company shall pay, to the said owner, or owners, of any land, the full amount of damages, found and assessed, according to the provision of the eighth section of this act, for the lands occupied by said company, in the construction of their works, the said company shall be entitled to have and hold such lands, so paid for, to them, their successors and assigns, as fully, to all intents and purposes, as if the same had been conveyed to said company, by the agreement of the parties.

Upon payment of damages, company to hold lands.

SECTION 10. That the president and managers, first chosen shall procure certificates, or evidence, of stock, for all the shares of said company, and shall deliver one, or more, certificates, or evidences, signed by the president, and countersigned by the secretary, and sealed with the common seal of the said corporation, to each person, or party, entitled to receive the same, according to the number of shares by him, or her, or them, respectively, subscribed, or held; which certificates, or evidences, of stock, shall be transferable, at the pleasure of the holder, in a suitable book, or books, kept by the company for that purpose, in person, or by attorney, duly authorized, in the presence of the president, or secretary, subject, however, to all payments due, or to become due,

Certificates of stock, transfers of, &c., relative to.

- thereon ; and the assignee, or party, to whom the same shall have been transferred, shall, thereupon, be a member of said corporation, and shall have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties, incident thereto, in the same manner as the original subscribers would have been : *Provided*, That no certificate shall be transferred, so long as the holder thereof is indebted to said company, unless the president and managers shall consent thereto ; and no such transfer of stock shall have the effect of discharging any liabilities, or penalties, theretofore incurred by the owner thereof.
- Proviso.** SECTION 11. That the capital stock of said company shall be divided into shares, of twenty-five dollars each, and shall be called in, and paid, in such proportion, and at such times and places, as the president and managers may determine ; of which public notice shall be given, for at least two weeks, next preceding the time, or times, appointed for that purpose, in the before-mentioned ; and if any subscriber, or assignee, shall neglect to pay such proportion, at the time and place appointed, he, she, or they, shall be liable to pay, in addition, at the rate of one per centum a month, for the delay of payment ; and if the same, and the additional penalty, or any part thereof, shall remain unpaid for the period of three months, he, she, or they, shall, at the discretion of the president and managers, forfeit, to the use of the company, all right, title and interest, in and to every and all shares, or share, on account of which such default in payment may be made ; or the president and managers may, at their option, cause suit to be brought, before any competent tribunal, for the recovery of the amount due on such share, or shares, together with the aforesaid penalty ; and in the event of the forfeiture, the share, or shares, so forfeited, may be disposed of, in the manner prescribed by the by-laws : *Provided*, That the president and managers shall not call for instalments more than once in every thirty days ; and not more than five dollars, per share, shall be called for, at any one time.
- Instalments of stock, payment of.**
- Penalty for non-payment.**
- Forfeiture, relative to.**
- Proviso.**
- The erection of fire plugs and hydrants authorized.**
- Compensation for use of.**
- SECTION 12. That the president and managers of aforesaid company may, in such streets, alleys and highways of the aforesaid borough, where pipes shall be laid down, erect fire plugs and hydrants, to be used solely for extinguishing fires, and cleansing the streets, alleys and highways, for a reasonable compensation, to be agreed upon between the said president and managers, and the proper authorities of respective borough aforesaid ; and the said company shall, at all times, where trunks and pipes shall be laid in, or through, any of the streets, alleys and highways of said borough, suffering individuals to be supplied with water for domestic use, and such other uses as the president and managers shall permit, for such reasonable compensation, and upon such terms, as shall, from time to time, be agreed on, by said president and managers, and such individuals, according to such uniform rates as said president and managers shall hereafter, from time to time, adopt, regard being had to the probable quantity of water which applicants are likely to consume ; and any person, or persons, within the said borough, who shall take any of said water for

domestic, or other uses, without having previously contracted for the same, with the said president and managers, or after such contract has expired, or been annulled, shall forfeit and pay, for every such offence, the sum of ten dollars, to the president and managers, for the use of the company, to be recovered, before any justice of the peace, by action of debt, or *assumpsit*, in the same manner as other debts are recoverable.

Penalty for use of water without contract, or after contract has expired.

SECTION 13. That if any person, or persons, shall neglect to pay their water rent, according to the terms of their contract with the said company, the same may be recovered, by action, as debts of a like amount are recoverable.

Recovery of water rent.

SECTION 14. That the said company shall have power, from time to time, to borrow money, to an amount not exceeding thirty thousand dollars, and to make and to execute a mortgage, or mortgages, pledge, or pledges, of property and effects of said corporation, for the security of the amount borrowed, or give such other evidence of indebtedness as may be agreed upon: *Provided*, That no bond, or other evidence of loan, shall be issued, for a less sum than one hundred dollars

May borrow money, secured by mortgage.

Limitation.

SECTION 15. That when the Manchester Water Company shall have erected their works, and the same incorporated, the property thereof shall be vested in said company, and their successors and assigns, during, and unto the end of, twenty-five years, to commence from the time when said company shall first begin to distribute water to the citizens of said borough: *Provided*, That when the moneys and revenue, received by the said Manchester Water Company, shall exceed twelve per centum net annual profit, the excess shall compose a fund for the redemption of the property owned by said Manchester Water Company; and if, at the expiration of the twenty-five years aforesaid, the amount of said fund shall be found adequate to the redemption of the said water works, "providing, at the same time, for its repairs," then, the said company shall be obliged to take such sum of money, therefor, as shall be allowed, on a fair appraisement, by five disinterested persons, to be appointed by the court of common pleas of the county of Allegheny; and the property of said corporation shall be vested in the burgess and town council of said borough, or the existing authorities at that time, and their successors, forever; but if the said property shall not be redeemed and paid for, at the expiration of the said term of twenty-five years, the said Manchester Water Company may and shall continue to hold the same, on the terms of this act, beyond the said term, and until the same shall be redeemed and paid for, in the manner herein directed.

Corporate term.

Fund for redemption of property, &c., relative to.

HENRY C. JOHNSON,

Speaker of the House of Representatives.

JOHN P. PENNEY,

Speaker of the Senate.

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

A. G. CURTIN.