

Pennsylvania. Laws, statutes, etc.
L A W S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1849,

IN THE

SEVENTY-THIRD YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG, Pa.:

J. M. G. LESCURE, PRINTER TO THE STATE,

.....
1849.

No. 95.

A N A C T

To change the place of holding elections in the townships of Henderson and Todd, in the county of Huntingdon.

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 hereafter the qualified electors of the township of Henderson, in the county of Huntingdon, shall hold their elections at the court house in the borough of Huntingdon.*

SECTION 2. That the qualified electors in the township of Todd, county of Huntingdon, shall hereafter hold their elections at the Green school house, in said township of Todd, and county aforesaid.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of March, A. D. one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 96.

A N A C T

Authorizing the governor to incorporate the Mauch Chunk 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. *Asa Packer, E. A. Douglas, John Lentz, Jacob H. Salkeld, Cornelius Conner, Conrad Miller, L. D. Knowles, Edward Lippincot, John Mears and George Weiss, or any four of them, are hereby appointed commissioners to do and perform all matters and things hereafter mentioned; that is to say, they shall on or before the first day of May next procure a book, and enter therein as follows:—“We the subscribers, promise to pay to the president and managers of the Mauch Chunk 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 said company, in pur-*

Form of subscrip-
tion.

suance of an act of the general assembly, entitled 'An Act authorizing the governor to incorporate the Mauch Chunk water company.' Witness our hands the _____ day of _____ in the year of our Lord one thousand eight hundred and forty _____; and shall thereupon give notice in one newspaper, in the town of Mauch Chunk, for the space of three weeks, when and where the said book shall be opened to receive subscriptions of stock; at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names, or in the names of others, when they shall be duly authorized to subscribe for any number of shares in the said stock; and the said book shall be kept open six days, or until six hundred shares shall have been subscribed; and the said commissioners, or the officers of the company, after the same shall have been organized, may at any time afterwards open the books for subscription of shares, until the whole number of shares, or the amount of fifteen thousand dollars shall be subscribed.

Who may subscribe.

SECTION 2. That when seventy-five shares of the stock shall have been subscribed, the commissioners shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; and thereupon it shall be lawful for the governor, under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of the Mauch Chunk water company; by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the capital stock, and the increase and the profits thereof, and of enlarging the same by new subscription, if it shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them, their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such lands, tenements, hereditaments and estate, real or personal, as shall be necessary in the prosecution of their works; and of suing and being sued, and of doing any matter and thing which a corporation or body politic may lawfully do.

Incorporate. Style. Privileges.

SECTION 3. That any three or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least ten days' notice in one or more of the newspapers printed in the town of Mauch Chunk, of the time and place of holding an election for officers of the company; at which time the subscribers shall meet and choose, by ballot, five managers, who shall be stockholders, to conduct the affairs of the company until the first Monday of February then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share held by him, not exceeding three shares; and one vote for every two shares above three, and not exceeding ten; and one vote for every four shares above ten, and not exceeding twenty; and one vote for every five shares above twenty: the president and managers shall have power to appoint a treasurer, and such other officers and agents as may be necessary; and the election for officers shall be held annually on the first Monday of May, at such place as may be appointed by the managers, of which at least ten days' notice shall be given in one newspaper in Mauch Chunk; and when vacancies happen, the managers shall supply them from among the stockholders, until the next annual election.

Organization. Officers. Votes. Treasurer. Annual election.

SECTION 4. That the president and managers, or any three of them, shall have power to adopt such by-laws, rules and regulations, as may be deemed expedient for the well governing the affairs of the company;

By-laws.

and shall also have power to call special meetings of the stockholders, whenever any circumstances occur, which may render it necessary to consult them: *Provided*, That such by-laws, rules and regulations, shall in no wise contravene the constitution and laws of this commonwealth.

Proviso.

Seal.

Certificates of stock.

Transferable.

SECTION 5. That the president and managers shall procure a common seal, and the certificates of stock and other official acts shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate signed by the president, countersigned by the treasurer, and sealed as aforesaid, unto each person for every share, (held by him or her,) as soon as each shall be paid; and any such certificate shall be transferable in person or by attorney duly authorized, in presence of one or more credible witnesses; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments, to which he would have been entitled if he had been an original subscriber.

Quorum.

Powers.

SECTION 6. That the president and managers shall meet at such times and places as shall be directed by their by-laws, and when met, three members shall be a quorum; and in the absence of the president, a chairman may be chosen of the number met, and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered into a book or books to be kept for such purposes; and a quorum being formed, they shall have full power to employ and contract with the engineers, artists, and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same; and also to fix the times and manner, and in what proportion the stockholders shall pay the moneys due on their respective shares, and to draw on the treasurer for all moneys that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations; and generally to do all such other matters and things as by this act, or their by-laws, rules and regulations, they shall be authorized to do.

Carry water into the village of Mauch Chunk.

Damages, how assessed, &c.

SECTION 7. That it shall be the duty of the president and managers, as soon as may be after the company shall be organized, to proceed and bring, introduce and convey water into the village of Mauch Chunk, aforesaid, from such streams and springs as may be fixed on or purchased by the president and managers for that purpose, by means of pipes, trunks, or aqueducts, and also to provide proper cisterns or reservoirs for the reception thereof; and for these purposes may enter into such lands and enclosure as may be necessary, and dig, ditch, and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them; when the parties cannot agree according to the assessment made by three disinterested freeholders, to be appointed on application to the court of common pleas, in and for the county of Carbon, and who shall be duly sworn or affirmed, justly and truly to make such assessment, reserving nevertheless, to all those who may be affected by the diversion of the water, or by laying trunks through their lands, the full effect of the conditions and reservations in their respective concessions already made; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the trunks, wherever laid, on and through private property, doing as little damage as possible; and shall also have liberty at all times, to dig and lay pipes and trunks along roads and highways and the streets and alleys of Mauch Chunk,

and to renew and repair the same, shutting up and amending any breaches which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs in the streets or public grounds in said village, when the same may be necessary: *Provided*, That said company shall not be authorized to enter upon any lands, or take possession of any private property, until they have made compensation to the owner or owners thereof, or give adequate security therefor.

SECTION 8. That the president and managers shall in such streets or parts of the village where pipes shall be required and laid, permit the inhabitants to construct hydrants, to be used solely for extinguishing fires, paying a reasonable sum annually for such privilege; and the said company shall at all times, where trunks and pipes shall be laid in and through any of the streets and alleys in said borough, suffer individuals to be supplied with water for domestic use, and such other uses as the president and managers may permit, for such reasonable compensation as shall from time to time be agreed upon by the said president and managers and such individuals, according to such certain uniform rates as the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume.

SECTION 9. That the president and managers shall call in the capital stock by instalments, as the same may be required, and if any stockholder shall neglect, after thirty days' notice, published in a newspaper published in Mauch Chunk, payment may be enforced as in other cases; and whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock paid in half yearly, on the first Monday of January and July, in each year, and shall publish the said dividend and the place where the same will be paid, and shall cause the same to be paid accordingly.

SECTION 10. That if any person or persons shall wilfully destroy, or injure in any manner, the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said company, erected in pursuance of this act, or shall wilfully corrupt, or otherwise render unwholesome the stream of water which shall be conveyed and brought into the village of Mauch Chunk, by the said company, he, she or they shall, on being thereof convicted, before any justice of the peace in and for the county of Carbon, by the oath or affirmation of one or more witnesses, pay a fine not exceeding twenty dollars, one-half for the use of the poor of the county, and the other half to the informer; and shall, moreover, remain liable for all damages to the company.

SECTION 11. That if the said company shall not proceed to carry on the said work, within three years after the passing of this act, or shall not within five years afterwards, complete the same, so far as to carry the water within the town of Mauch Chunk, in either of these cases, all and singular the rights, liberties, and franchises hereby granted to the said company, shall revert to this commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The sixth day of March, Anno Domini one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.