

LAWS

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

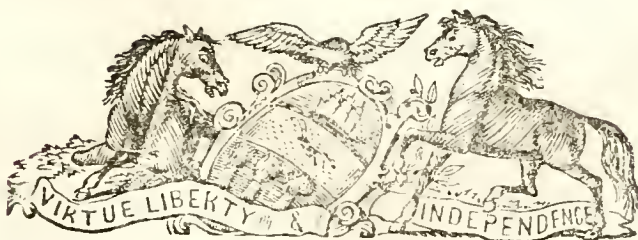
STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1855.

IN THE

SEVENTY-NINTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1855.

for by the board of directors, they may, after thirty days' public notice thereof, sell at auction so much of the property pledged or given in security for the payment of said stock, or so many of the shares of such delinquent stockholders as shall be necessary to pay such instalment or instalments, and the expense of sale and transfer, or convey the same by deed or otherwise to the purchaser; or they may recover the same by suit, in their corporate name, against such delinquent, without delay or stay of execution: *Provided*, That if any shares of the capital stock shall be sold in manner aforesaid, the purchaser, before any assignment thereof, shall pay or cause to be paid, in manner aforesaid, any balance which shall be due thereon.

Penalty for neglecting to pay instalments on stock.

Proviso.

SECTION 13. That the Legislature reserves to itself the power to alter, revoke or annul the same, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

Reservation.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.

No. 605.

A N A C T

Authorizing the Governor to incorporate the Minersville 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 Richard Kear, Gideon Bask, William De Haven, D. P. Brown, Joseph F. Taylor, Joseph C. Wright, Charles W. Taylor, James H. Campbell, S. D. Ball, Elijah Hammer, T. B. Hale, Charles Miller, Thomas Kimber, John Brock, James Dundas and George Spencer, or any three of them, are hereby appointed commissioners for receiving subscriptions to the capital stock of a company to be denominated the Minersville water company, and for that purpose they shall procure a suitable book and enter in it as follows: We, whose names are hereto subscribed, promise to pay to the Minersville water company the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner and in such proportions, and at such times as shall be determined by the president and mangers of the said company, in pursuance of the

Commissioners.

Their duties.

act of assembly authorizing the governor to incorporate the said company. Witness our hands and seals the day of Anno Domini one thousand eight hundred and fifty-five; and after they shall have given notice in at least two newspapers published in the county of Schuylkill, for the space of ten or more days of the time and place within the borough of Minersville, in said county, they shall open the said book to receive subscriptions for the stock of the said company, at which time and place one or more of said commissioners shall attend and permit all persons of lawful age to subscribe for shares of said stock, until ten thousand shares shall have been subscribed, and the said commissioner or commissioners who shall be present, shall have power to adjourn from time to time, and to any place they may think proper or expedient, until the said stock or such part thereof as shall be necessary for the purpose as hereinafter provided, shall have been subscribed; and the officers of the said company, after the same shall have been organized may at any time afterwards, open said book for the subscription of shares, until the whole number of shares as aforesaid, shall have been subscribed, if so many shall be required to carry into effect the purposes of this act: *Provided*, That every person offering to subscribe in the said book, in his or her own name, or in the name of any other person, shall previously pay to the attending commissioner, commissioners or officers, as the case may be, five dollars for every share so to be subscribed, for which shall be paid over to the treasurer of the said company, after deducting the expenses of taking said subscriptions and other incidental charges, as soon as the same shall be organized, as hereinafter provided.

Proviso

SECTION 2. That when two thousand four hundred shares of said stock shall have been subscribed for, and the said sum of five dollars paid on each and every share so subscribed for, the said commissioners, or any three of them, shall certify the fact to the governor of the commonwealth, 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 ten thousand shares, into a body politic and corporate in law, by the name, style and title of the Minersville 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, chattels 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 the same to alter and renew at pleasure, and to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary and convenient for the government of the said company, and the preservation and security of their property, not being contrary to the constitution or to the laws of the United States or of this commonwealth; and if penalties shall be inflicted by any such by-laws, they shall be recovered as debts of like amount are recoverable, or punished as like offences are punished, and generally to do all matters and things which lawfully appertain for them to do for the well being of the said company: *Provided*, That nothing

Letters patent

Style.

Privileges.

Proviso.

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 supply and distribution of water in the borough of Minersville and its vicinity.

SECTION 3. That the affairs of the company shall be conducted by fifteen managers, who shall be stockholders in the said company, nine of whom at least shall be residents of the said borough of Minersville; the election for said managers shall be held annually on the second Monday of January, between the hours of ten o'clock, A. M. and four o'clock, P. M., in the said borough; and the managers so elected, shall elect from among their number one, who shall also be a resident of the said borough, who shall be president of the said board and of the company; they shall also elect a treasurer, who shall be a resident of said borough and a stockholder in said company, but not a member of said board, and they shall also elect or appoint all such other officers and agents as they may deem necessary for conducting the business of said corporation, who shall perform the duties of their respective offices until they shall be re-elected, removed from office or their successors shall be chosen; the said managers shall allow the persons so elected or appointed such compensation for their services, respectively, as they shall deem reasonable, and generally to exercise all other powers and authorities for the well governing and ordering of the affairs and funds of the said corporation as this act confers or allows, or as hereafter may be conferred or allowed by the laws, regulations and ordinances of the said corporation; in case of vacancies in the board of managers, or in any office of said company, the managers shall supply the same from among such as may be eligible to the position vacated, according to the qualifications aforesaid, until the next annual election; in all the meetings of the said board of managers, any five of them shall constitute a quorum, and in the absence of the president, either at a meeting of the managers or of the stockholders, a president *pro tempore* shall be chosen from among those then met.

Affairs how managed.

Elections.

Treasurer.

Officers.

Their pay.

Vacancies.

Quorum.

Votes.

SECTION 4. That at all elections for managers the votes of the stockholders shall be by ballot, each stockholder to be entitled to one vote for each and every share of stock *bona fide* held by him or her; no stockholder shall vote by proxy except where his or her proxy produces satisfactory written authority to those who may hold such elections, of a right to vote for the stockholder so represented; nor shall any stockholder be entitled to vote unless the share or shares held by him or her shall have been standing in his or her name, on the books of the said corporation, for three or more months previously to said election, (excepting the first election;) the place within the said borough of Minersville, and the manner of holding all the elections (excepting the first) of said company, shall be more particularly specified in the by-laws of said company: *Provided*, That as soon as conveniently may be after the letters patent are obtained, any three or more of the said commissioners shall give at least two weeks' notice in two or more newspapers published in said county of Schuylkill, of the time and place within said borough of Minersville, for the said subscribers to meet and hold an election for managers as aforesaid, until the next annual election; any two or more of said commissioners shall hold the first election for managers, or in case of their absence,

Proviso.

two of said subscribers chosen by those of said subscribers present at the time and place for opening said election, shall perform the said duty; it shall be the duty of those holding elections, in all cases to give notice to the persons elected, of their election, and to furnish to the board of managers a certified return of said election: *Provided*, That no misnomer or failure of election of managers or officers on the day appointed shall discontinue or dissolve the corporation; but the managers and officers last elected shall continue to perform their duties as they did before such failure, until an election can be held, at such time and place within the said borough of Minersville, and after such notice as the board of managers may deem proper, which notice the president shall publish in at least two newspapers published in the said county, immediately upon such failure.

Proviso.

Special meetings
of stockholders.

SECTION 5. That any time the managers may deem a special meeting necessary, they shall summon the stockholders to such meeting, by giving two or more weeks' notice of the same, in at least two newspapers published in said county of Schuylkill; and when the said stockholders are so assembled in such special meeting, or at any annual meeting, they shall have power to make, alter or repeal in the manner which shall be specified in said by-laws, and by at least a majority of their votes, all by-laws, orders or regulations, and to adopt such measures regarding the interests of said company, as to them shall be deemed expedient, and which shall be carried into effect by the president and board of managers.

Seal and certificates
of stock.

SECTION 6. That the president and managers shall procure a common seal and certificates of stock, which signed by the president and treasurer, and sealed with the corporate seal, shall be delivered to each stockholder as soon as the whole amount thereon shall have been paid; and in the meantime the said commissioners or the treasurer of the company, shall issue scrip certificates in the nature of receipts, for each instalment as it is paid in by the said shareholders; and said certificates of stock shall be transferable at the pleasure of the holder, in the presence of the president, treasurer, or other person appointed by the company for that purpose; which transfer shall at once be entered on the books of the corporation, according to such rules and regulations as the managers shall for that purpose ordain and establish, and not otherwise; and when so entered the holder thereof shall be a member of the said company.

Transfers of stock

Capital stock.

SECTION 7. That the capital stock of the Minersville water company shall consist of six thousand shares of twenty-five dollars each as aforesaid, to be subscribed for as aforesaid, and to be paid for after the first payment, in such manner as the board of directors of said company may determine; which said capital stock may at any time hereafter be increased not exceeding five thousand shares of twenty-five dollars each; and if any subscriber for stock, his or her assignee or transferee shall neglect or refuse to pay the first or any subsequent instalment called for and demanded by the managers as aforesaid, such subscriber, his or her assignee or transferee shall (at the discretion of the board of managers,) forfeit each and every share or shares so held by him or her, and new subscriptions may be opened and received for the share or shares so forfeited.

Objects and powers
of company.

SECTION 8. That the said Minersville water company shall have power, and are hereby authorized to bring and convey into

the borough of Minersville, a sufficient supply of fresh and pure water from Big run or Dyer's run, or other stream or streams in the said county of Schuylkill, by means of pipes, trunks or aqueducts, or in any other way, and to provide proper cisterns or reservoirs for the reception thereof; and for the purposes aforesaid, they are hereby authorized to take possession of, and divert from its present channel, any one or more of the aforesaid streams, and to enter into and upon any land or enclosure that may be necessary, to dig trenches and lay pipes or trunks through the same, and to build dams, tanks or reservoirs on or near said streams, and on any ground in or near said borough, doing as little damage thereby as possible to private property, and paying for whatever land they may occupy, or for whatever injury they may do, in the manner following:

SECTION 9. That the said president and managers shall have the right to enter into and upon any lands or enclosures with their engineers, artists, assistants and workmen, to lay out and locate the said dams, tanks, reservoirs and the route for the said pipes or trunks, and so much land around said dams or reservoirs and along said streams as they may deem necessary to preserve the purity of said water; and after the same shall have been laid out and located to the satisfaction of said board, it shall be their duty to give notice to the owners of said lands, (if they are known or can be found,) on which the same has been so laid out and located, of the location thereof, and of the desire of the company to occupy and use the land and route so marked and laid out, and if the said president and [and] managers and owners cannot agree on the amount of damages or compensation therefor, either of them may apply to one of the judges of the court of common pleas of said county of Schuylkill, or to said court when in session, who shall appoint a jury of three disinterested and judicious men to view said land and route, and make report to said court what damage (if any) the owners of said land shall or may sustain by the use and occupancy thereof by the said company for the construction of their works, or by the diversion of the waters of the aforesaid streams, whose report or award shall be subject to the right of appeal by either party, and when appealed from, shall be tried in said court as other cases in which damages are claimed by the plaintiffs, or if no appeal be entered within twenty days from the filing of said award, it shall have the effect of a judgment and be collected in like manner; and if upon the filing of said award the said president and managers shall pay the amount of the same, or give adequate security, to the satisfaction of one of the judges of the said court, for the payment thereof, or upon appeal of such sum as may be finally awarded against them with costs, they shall be allowed, and are hereby authorized and empowered, to enter on and in said land and enclosures with the necessary engineers, workmen, teams, tools and implements, and proceed forthwith to the construction and completion of all works necessary to carry into full effect the objects and purposes aforesaid, and the same to alter, repair or renew whenever and wherever they may deem necessary, without any let or hindrance from the owners of said lands or any others; and where the owners of any of the lands on which the company aforesaid has located any part of its works as aforesaid, are not known, or cannot be found, or if known, are not legally capable of entering into an agreement with said company, the presi-

Right to enter
lands, &c.

Damages. how
ascertained.

Appeal.

dent and managers shall proceed to have the damages ascertained in the manner hereinbefore provided for, where the said owners are known and capable of acting, but where they and the said president and managers cannot agree.

Jurors to be sworn

SECTION 10. That the several jurors herein directed to be appointed, shall, before they enter on the duties of their appointment, be sworn or affirmed to discharge the duties of said appointment with impartiality and fidelity, and to the best of their judgments, and shall receive the same compensation for their services as jurors in other cases.

Trenches, pipes,
&c.

SECTION 11. That the said company shall at all times have the privilege and liberty to dig trenches and lay their pipes or trunks in, across and along all railroads, public roads, highways and streets, and across or along the streets, alleys and public grounds within the borough of Minersville, and to alter, repair and renew the same as often as they may find it necessary, closing up and amending any breaches they may make, as soon as practicable.

Prices of water.

SECTION 12. That when the said company shall have introduced the water into said borough of Minersville, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants and pipes, wherever they shall deem the same necessary and proper, they shall then permit individuals and companies at all times to be supplied with water from the pipes laid by them, for domestic or manufacturing purposes, and for the supply of stationary and locomotive engines; and their president and managers shall, from time to time, fix and determine uniform regulations and rates or prices to be paid by those who may use the water, so that such rates or prices shall not cause oppression or injustice to any, but be so adjusted as to bear equally upon all whom they may concern; and if the said rates or prices be not paid according to the terms of the contract between those who may use the water and the company, the party so contracting and failing to pay may be prevented from using said water until all arrearages due the said company therefor, are paid; and all such arrearages may be collected by action, as debts of like amount are recoverable. Any person or persons

Penalties.

who shall take away any of said water, for domestic or other purposes, without having previously contracted for the same with the president and managers of said company, or shall wilfully permit any of the said water to be taken away, shall forfeit and pay for every such offence a sum not less than fifteen dollars to the said company, to be recovered as debts of like amount are recoverable by law: *Provided*, That whenever the corporation of the borough of Minersville shall erect fire plugs to be used solely for the extinguishment of fires, the said president and managers shall permit the same to be connected with their pipes laid in said borough, and permit the inhabitants thereof to take and use water through said fire plugs, without charge, for the extinguishment of fires, but not otherwise. That

Proviso

nothing in this act shall prevent said company from receiving, purchasing or holding any real or personal property, stock, or other securities, in payment of debts due them, or to secure the same in any manner that the interests of the said corporation may require, or to purchase and hold such real estate as may be necessary to accommodate the said corporation in the transaction of the business thereof, and to sell, assign and convey the same in fee simple or otherwise.

Real estate.

SECTION 13. That the said president and managers shall, on Dividends.
 on the first Monday in November in each and every year, declare
 a dividend of so much of the profits of said corporation as to
 them shall appear advisable, and the dividends so declared shall
 be paid to the respective proprietors, agreeably to such rules
 and regulations as the managers shall make for that purpose;
 and in case of any loss or losses, whereby the capital stock of
 the company shall be lessened, no subsequent dividend shall be
 made until a sum equal to such diminution shall have been
 added to the said capital.

SECTION 14. That three thousand shares of said stock, or Stock exempt
from taxation.
 whatever amount of the same shall be found to be required for
 the construction of said water works, shall be exempt from all
 taxation whatever, except that whenever the net annual income
 from the said water works shall exceed six per centum per annum
 on the cost of the same, the excess shall be taxable for state
 purposes only, at the same rates as are now imposed on the divi-
 dends of banks for said purposes.

SECTION 15. That the corporation of the borough of Miners- Subscriptions for
stocks by certain
corporations.
 ville, on behalf of said borough, and any incorporated company
 having occasion to use the water that may be supplied by the
 Minersville water company, are hereby authorized to subscribe
 to the capital stock of said company hereby to be incorporated,
 any number of shares that each of them respectively may deem
 proper, in which event the said borough and corporations shall
 have the right to vote at the elections of the said company, under
 the same provisions as individual subscribers or stockholders,
 and are hereby authorized to issue their bonds, payable at such
 times as they may deem proper, to such an amount as will pro-
 duce enough money to pay for the shares of stock they may
 each subscribe for respectively: *Provided*, That no bond or Provide.
 certificate shall be issued of a less denomination than one hun-
 dred dollars.

SECTION 16. That any person or persons who shall wilfully Penalty for inju-
ring works.
 destroy or injure in any manner, the pipes, aqueducts, dams,
 tanks, cisterns, reservoirs, hydrants, buildings or machinery of
 the said Minersville water company, erected in pursuance of this
 act, or shall wilfully corrupt or permit any thing to run or fall
 into any stream from which the said company shall take water
 to be introduced into the said borough of Minersville, which
 shall tend to corrupt the same or to render it unpalatable, un-
 wholesome or unfit for domestic or manufacturing use, or for the
 supply of stationary or locomotive engines, or shall bathe in any
 dam or reservoir of said company, or shall throw, lead or entice
 any animal into the same, on being convicted thereof before any
 justice of the peace of the county of Schuylkill, on the oath
 of one or more creditable witnesses, shall pay a fine of not less
 than five nor more than fifty dollars, one-half for the use of the
 said company and the other half to the informer, and shall more-
 over remain liable to the said company for all damages.

SECTION 17. That if the said company shall not proceed to Limitation of
franchises.
 carry on said works within two years after the passage of this
 act, or shall not complete the same within three years thereafter,
 so far as to bring within the limits of the said borough of
 Minersville, a sufficient supply of good water for the inhabitants
 thereof, all and singular the rights, liberties and franchises

hereby granted to the said company shall revert to this commonwealth.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

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

JAS. POLLOCK.

No. 606.

SUPPLEMENT

To the act incorporating the Washington Mutual Insurance Company of Philadelphia; relative to the Junction Canal Company; to the sale of real estate by O. P. Ballard, and to the sale of lands by the New York and Erie 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 the time limited for the sale of certain lands by the New York and Erie railroad company, by the ninth section of the act incorporating the Washington mutual insurance company of Philadelphia; relative to the Junction canal company; to the sale of real estate by O. P. Ballard, and to the sale of lands by the New York and Erie railroad company, approved April twenty-eighth, one thousand eight hundred and fifty-two, and the supplement thereto, be extended to January the first, one thousand eight hundred and sixty.*

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.