

# L A W S

OF THE

## GENERAL ASSEMBLY

OF THE

## STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1870,

*In the Ninety-fourth year of Independence.*

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:  
B. SINGERLY, STATE PRINTER.  
1870.

guardians to release the said company from all claims therefor, and to execute all necessary papers in the premises; in case said parties cannot agree the company may proceed as under the provisions of the general railroad law in case of disagreement with owners.

May lease or purchase bridge constructed across Delaware river.

SECTION 6. That the said company shall have power to lease or purchase any bridge, already constructed across the Delaware river, which may be deemed necessary to enable this company to form a connection with any railroad of this or any adjoining state, upon the north side of the river; and the persons or corporations owing such bridge are hereby authorized to sell and dispose of their property, rights and franchises in the same, to the Lamont Mining and Railroad Company, upon such terms as may be agreed upon between the contracting parties; and upon such sale and transfer the sellers of such bridge shall be released from all further liability, howsoever incurred in the premises, and the said Lamont Mining and Railroad Company shall thereupon assume all such liability of and for the property so purchased and its use and maintenance.

Repeal.

SECTION 7. That all laws or parts of laws inconsistent with the rights and franchises hereby granted be and the same are hereby repealed.

Bonus and taxes

SECTION 8. That said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.

H. C. JOHNSON,

Speaker of the House of Representatives *pro tem.*

JAMES L. GRAHAM,

Speaker of the Senate *pro tem.*

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and seventy.

JNO. W. GEARY.

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No. 236.

## An Act

To incorporate the Shenandoah Water and Gas Company.

Corporators.

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 George A. Herring, G. L. Reagan, Joseph Boehne, John M'Donald, Martin Delany, Daniel Brosius, Anthony Devitt and Thomas Egan, and such other persons as may hereafter become associated with them, as stockholders, be made and created a body politic and corporate, by the name

and style of the Shenandoah Citizens' Water and Gas Com- Name.  
pany, and by that name they may and shall have perpetual Powers and  
succession, and shall in law be capable of suing and being privileges.  
sued, pleading and being impleaded in all courts whatsoever,  
and also of contracting and being contracted with relative to  
the business and object of the said corporation, and they may  
have a common seal and may change and alter the same at  
pleasure, and hold in fee simple such real estate as may be  
necessary for carrying on the business of said corporation.

SECTION 2. That the company shall have power to provide, Authorized to  
erect and maintain all works, machinery, engines and appara- erect works.  
tus necessary or proper for making, raising, conveying and  
introducing into the borough of Shenandoah, in the county of  
Schuylkill, pure water, and for that purpose may provide,  
erect and maintain all proper buildings, cisterns or reservoirs  
for the introduction and reception of water so introduced ;  
and for this purpose they shall have authority, and are em- May erect fix-  
powered, by themselves, their agents, engineers, artisans and tures and take  
workmen, to erect fixtures, and take water from the stream water from Kee-  
known as Keely's run, and from other streams flowing upon ly's run and  
other streams.  
the property of sundry persons or companies claiming the lands  
situate along the mountain on the north side of said borough  
of Shenandoah, and with their workmen, tools, carts, wagons,  
horses and cattle, to enter upon lands and enclosures, streets, May enter upon  
lanes, alleys, roads, highways and bridges, as may be neces- lands, &c.  
sary, and to obtain necessary materials for the construction  
of said works, and to occupy, ditch and lay pipes along and  
through any of the said streets, lanes, alleys, roads and high-  
ways, and from time to time repair the same ; and if any  
damage is done to private property, the said company shall  
make compensation thereof in the manner hereafter provided.

SECTION 3. That the capital stock of said company shall Capital stock.  
consist of fifty thousand dollars, to be divided into five thou-  
sand shares of ten dollars each ; and the said company shall  
have the right to increase their capital stock from time to  
time, as the board of directors shall deem necessary.

SECTION 4. That the corporators and their associates shall Officers.  
forthwith elect the necessary officers, one of whom shall be  
the president, one treasurer and one secretary, to hold their  
offices until the first day of October, one thousand eight hun-  
dred and seventy ; said officers to open their books immedi-  
ately after the passage of this charter, for the purpose of  
selling shares ; and that on the first day of October, one thou-  
sand eight hundred and seventy, the stockholders of said  
company shall meet at the council room of said borough of  
Shenandoah and elect a president, a treasurer and a secretary,  
to serve for one year, and furthermore, six directors, two of  
which number shall be elected for three years, two for the  
term of two years and two for the term of one year ; and an-  
nually thereafter the stockholders shall elect officers to fill all  
vacancies that may be in the thus completed board of officers.

SECTION 5. That the said company shall have the authority By-laws, &c.  
to make and adopt such by-laws, rules and regulations as they  
may deem fit: *Provided*, That the same do not conflict with  
the constitution and laws of this commonwealth.

Proceedings in cases of disagreement as to damages.

SECTION 6. That whenever the parties cannot agree upon the damages claimed for lands or materials taken by the Sheandoah Citizens' Water and Gas Company, in the prosecution of their work, the company may tender a bond and proceed in all respects as provided in the second section of the act of assembly, entitled "A supplement to the act incorporating the Pennsylvania Coal Company," approved seventh March, Anno Domini one thousand eight hundred and forty-nine.

Certificates of stock.

SECTION 7. That the president and directors shall procure printed certificates of stock, which, on being signed by the president and treasurer, and sealed with the corporate seal, shall be delivered to each stockholder, transferable at his pleasure, the same being 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 become a member of said company; and in every election the stockholders of said company shall be entitled to one vote for each share of stock by him, her or them held: *Provided however*, That no assignee or transferee shall be entitled to vote at any regular, stated or special meeting of the company, unless his certificate of transfer has been entered upon the books of said company twenty days before such meeting or election.

Assignments.

Votes.

Failure to pay instalments.

SECTION 8. That if any stockholder shall refuse or neglect to pay any instalment called for by 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 for, pay at the rate of one per centum per month for delay; and in case the delay should extend so long that the penalty shall absorb or equal the amount paid in by the said stockholder or assignee, it shall be in the power of said company to forfeit all payments and stock, to be disposed of by said company as will best promote their objects and interest.

Unauthorized use of water, waste, &c., relative to

SECTION 9. That if any person or persons or body politic, who shall have contracted with the said company for the use of said water, or shall wantonly and unnecessarily waste the same to the injury of the said company, or shall permit any other person or persons or body politic, not being by the said contract entitled to the use thereof, to be made use of the same, or shall neglect or fail to pay to the said company, by him, her or them agreed upon to be paid as a compensation for the use of said water, for the period of three months after the same shall be due and payable, according to the terms of the said contract, it shall be lawful for the president and directors to withhold and cut off such water from the premises of such person, persons or body politic and corporate, until all such damages, with interest and costs of recovering the same, shall be paid: *Provided*, That nothing herein mentioned and contained shall be so construed as to affect, impair or take away the right of said company to sue for and recover the amount of such or any arrearages.

Penalty for injuring works or corrupting streams.

SECTION 10. That if any person who shall wilfully destroy or injure in any manner the pipes, cisterns, reservoirs, hydrants or any of them, or any of the works belonging to said com-

pany, erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the spring or streams of water which shall be conveyed or brought through the borough of Shenandoah by the said company, on being convicted thereof before any justice of the peace in and for the county of Schuylkill, shall pay a fine not exceeding fifty dollars, one-half for the use of the poor of said county and the other half to the informer, and shall moreover remain liable for all damages done to the company.

SECTION 11. That the president, treasurer, and at least three of the directors of the said company, shall be property holders and residents of the borough of Shenandoah. Qualifications of certain officers.

SECTION 12. That all mining companies mining on lands claimed by the Girard Coal Company, situate north of the borough of Shenandoah, as well as the Thomas Coal Company, shall have the privilege to lay pipes into the reservoir of the said Shenandoah Citizens' Water Company, and convey water from the said reservoir sufficient for steam purposes and watering their mining stock. Companies mining on certain lands may lay pipes to reservoir.

SECTION 13. That if the said company shall not commence to construct the said work within six months after the allowance of this charter, and shall not proceed with the said work so far as to carry water through the main street of said borough of Shenandoah in two years after having commenced their work, then the rights, liberties and franchises hereby granted to such company shall revert, cease and determine. Construction of works, commencement of, &c.

SECTION 14. And also with all the rights, liberties and privileges, and subject to all the restrictions contained in an act, entitled "An Act to incorporate the Providence Gas and Water Company, in Luzerne county," approved the twenty-third day of February, Anno Domini one thousand eight hundred and sixty-seven. Rights, privileges, &c.

BUTLER B. STRANG,

Speaker of the House of Representatives.

CHARLES H. STINSON,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and seventy.

JNO. W. GEARY.