

W. M. Darlington
L A W S

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1860,

IN THE

EIGHTY-FOURTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1860.

No. 669.

AN ACT

To incorporate the Uniontown Gas and 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 Eleazor Robinson, John K. Ewing, Ellis B. Dawson, William Skiles, Daniel Dawner, John S. Harrah, Daniel Kaine, Ewing Brownfield, John W. Barr, and their successors and associates, be and the same are hereby made and constituted a body politic and corporate, by the name and style of the Uniontown gas and water company, and by the said name, they and their successors 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 whatever, and also of contracting and being contracted with, relative to the business and objects of said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and shall have power to lease and purchase, in fee simple, or otherwise, such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to borrow money, and to make and execute obligations for the liabilities created in the transaction of said business of the corporation.

Corporators.

Style.

Powers.

Gas to be supplied.

SECTION 2. That the said corporation shall have exclusive authority to supply with gas light or water the borough of Uniontown and its vicinity, in the county of Fayette, and such persons, partnerships and corporations, residing therein, as may desire the same, at such price as may be agreed on; and also to make and erect, within or adjacent to said borough, the necessary buildings, machinery and apparatus for manufacturing and distributing the same, with the right to enter upon any public street, lane, alley or highway, for the purpose of laying down pipes, altering, inspecting and repairing the same, doing as little damage to said streets, lanes, alleys or highways, and impairing the free use thereof as little as possible.

Capital stock.

SECTION 3. That the capital stock of said corporation shall be thirty thousand dollars, to be divided into shares of twenty-five dollars each, and may be increased from time to time, not to exceed seventy thousand dollars, as the managers thereof shall deem necessary; for all of which stock certificates shall be issued, signed by the president and countersigned by the secretary, and sealed with the common seal of said corporation, which certificates shall be transferable only by the owner thereof, or by attorney, duly authorized for that purpose, in the presence of the president or secretary, in a book kept for that purpose by said corporation: *Provided,* That a majority of the managers are satisfied said transfer shall be made.

Provided.

SECTION 4. That the said named persons, or a majority of them, shall, as soon as one hundred shares of stock are subscribed, give at least two weeks' previous notice, in two newspapers published in said borough, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, duly authorized, six managers, to serve until their successors shall be duly elected, which shall be annually, on the first Monday in March thereafter; and said managers shall have power to select one of their number as president, and also a secretary and treasurer, to serve for the same term; and the manner of conducting said election shall be prescribed in the by-laws of said corporation; and at all elections the stockholders shall be entitled to one vote for such share of stock *bona fide* held by him, her or them, either as trustees, executors or administrators, at the time of holding said election: *Provided*, That in case of a vacancy in the board of managers, the same may be supplied by an election, held by the residue of the board, until the next annual election.

Organization.

Officers.

Votes.

Proviso.

SECTION 5. That the board of managers of this corporation shall have power to make by-laws for their own regulations, not inconsistent with the laws of this commonwealth, and shall keep minutes of their proceedings, which shall at all proper times be open to the inspection of the stockholders, and all such acts and things, for the proper regulation and government of the corporation, as they may deem necessary; they shall have power to declare dividends of so much of the net profits of the corporation as shall appear to them to be advisable, and at such times as the by-laws may fix, which shall be paid to the stockholders, on demand, ten days after the same shall have been declared.

Powers.

SECTION 6. That if any person or persons shall open a communication into the gas or water pipes of the said company, without authority from the proper officer thereof, or shall let on the gas or water after it has been stopped by order of the company or its authorized agent, or use any gas without drawing it through the metres put up for the purpose of measuring the same, or shall put up any pipes or burners without having them inspected and approved by the proper officer appointed by the corporation to inspect at proper times and under circumstances, the pipes, metres and burners, et cetera, put up in any building, he, she or they, so offending, shall be subject to a penalty of not less than twenty nor more than eighty dollars, to be recovered before any justice of the peace, as debts under one hundred hundred dollars are recovered, one-half to go to the informer, who shall be a competent witness, the other half to the company.

Penalty for using gas or water without authority.

SECTION 7. That if any person shall wilfully or maliciously do or cause to be done any act or acts whatever, whereby any building, construction or works of said company, or any gas or water pipe, gas post or water hydrant, gas burner or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons, so offending, shall be considered guilty of a misdemeanor, and may

Penalty for injury to works.

be therefor indicted in the court of quarter sessions, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned for a period of time not less than ten days nor more than one year, or both, at the discretion of the court: *Provided*, That such prosecution shall in no way impair the right of said company to a full compensation in damages by a civil suit.

Proviso.

Payment of stock

SECTION 8. That if any subscriber for stock to said company, or his, her or their assigns, 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, she or they 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 so long that the 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 said stock, and the amount paid thereon may be disposed of by the said company as will best promote their objects.

May issue certificates of credit

SECTION 9. That the managers of said company are hereby authorized to issue certificates of credit or evidences of indebtedness for any sum or sums of money, not exceeding twenty thousand dollars at any one time, for the purpose of aiding them in the construction of their works and managing the business of the company; said certificates shall be signed by the president and attested by the secretary, and shall have such interest as may be agreed upon, not exceeding eight per centum per annum; said certificates shall be made payable at the office of the company, within twenty years from the time of issuing thereof:

Proviso.

Provided, That said certificates shall not issue for a less sum than one hundred dollars; and, to secure the payment of said certificates, there shall be a general mortgage given upon the real estate and all the effects of the said company, for the benefit of such person or persons as may at any time hold certificates: *Provided*, That stockholders of said company shall be jointly and severally liable, in their individual capacities, for all debts due mechanics, workmen and laborers employed by, and for material furnished to, said company, to be sued for and collected as provided in the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna iron and coal company, approved April fifth, one thousand eight hundred and fifty-three; and that the said company shall pay such taxes upon dividends as is or may be required by law.

Individual liability.

W. C. A. LAWRENCE,
Speaker of the House of Representatives.

JNO. CRESSWELL, Jr.,
Speaker of the Senate.

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

WM. F. PACKER.