

# L A W S

OF THE

## GENERAL ASSEMBLY

OF THE

# STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1871,

*In the Ninety-fifth year of Independence.*

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:

B. SINGERLY, STATE PRINTER.

1871.

No. 1241.

**A Further Supplement**

To the act relating to the payment of bounties to volunteers, approved March twenty-fifth, one thousand eight hundred and sixty-four, so far as relates to the county of Adams.

**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 in all cases where school directors, supervisors or other township officers, or committee mentioned in the act relating to the payment of bounties to volunteers, approved March twenty-fifth, one thousand eight hundred and sixty-four, and the several supplements thereto, have incurred and paid any necessary expenses in traveling or otherwise incident to the filling of the quotas of their respective townships, in addition to the bounties provided by said act, such expenses shall be allowed in settlement of their account by the auditors, or any court having jurisdiction, after appeal taken, in like manner as if expressly mentioned and provided for in said act: *Provided,* That this act shall only apply to the county of Adams.

**JAMES H. WEBB,**

Speaker of the House of Representatives.

**WILLIAM A. WALLACE,**

Speaker of the Senate.

**APPROVED**—The second day of June, Anno Domini one thousand eight hundred and seventy-one.

**JNO. W. GEARY.**

No. 1242.

**An Act**

To incorporate the West Pittston 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 Charles Law, David S. Stark, John T. Everhart, Thomas Ford, Theodore Strong, E. O. Coray and Thomas Nichols, and their associates and successors, are hereby created a body politic and corporate, by the name, style and title of the West Pittston Water Company, and by that name shall have perpetual succession, and shall in law be capable of suing and being sued, pleading and being impleaded in courts of law and

Corporators.

Name.

Powers and privileges.

equity, and of contracting and being contracted with relative to the business of the corporation, and may have a common seal, and the same alter and renew at pleasure, and acquire and hold, in fee simple or a less estate, such lands and interests in lands as may be necessary or convenient for carrying on the business of the said corporation; and for the government of the affairs of the said corporation, its board of directors may, from time to time, enact such by-laws as they for that purpose shall deem necessary, the same not being contrary to the constitution and laws of this state, or the constitution and laws of the United States.

Capital.

SECTION 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each, and books of subscription therefor shall be opened by the directors hereinafter named, subject to such rules and regulations as they shall prescribe; and the stock shall be considered personal property, and shall be assignable and transferable on the books of the company.

Annual election of directors.

SECTION 3. That the stockholders shall annually, at such day and place as the by-laws may designate, elect seven directors to manage the affairs of the said company, who shall serve for one year, and until their successors are elected; and the persons above named shall be the first board of directors, and they and each succeeding board of directors shall elect a president from among their number, and also appoint and remove such other officers and agents as the interest of said company may require, and have power to fill any vacancy or vacancies that from time to time by death, resignation or otherwise may happen in their own number; and in all elections each share of stock shall be entitled to one vote.

First board.

Officers and agents.

Vacancies.

Failure to pay instalments, relative to.

SECTION 4. That if any subscriber to the stock of the corporation shall refuse or neglect to pay any assessment or instalment called for by the said company, at the time and place appointed, and the same shall remain unpaid for the period of thirty days, he shall, in addition to the instalment called for, pay interest thereon at the rate of one per centum per month, and the company may sue for and recover the said instalment and interest thereon, or forfeit the amount already paid by said delinquent subscriber, as the board of directors of the said company may choose or elect.

Authorized to erect works.

SECTION 5. That the company shall have power to provide, erect and maintain all works and machinery, engine and apparatus, and do any other act or thing necessary or proper for procuring, raising and introducing into the borough of West Pittston, in the county of Luzerne, a sufficient supply of water, and for that purpose may acquire and hold any real estate, and may take the water from any springs, ponds, fountains or streams, and divert and convey the same to the said borough, and may provide, erect, construct, lay and maintain all proper and convenient buildings, cisterns, reservoirs, pipes, conduits, aqueducts, wells or other work or machinery necessary or proper for the reception or distribution of water, and may, by its officers, agents, engineers and workmen, with their tools, wagons, carts, beasts of draft or burden and implements, enter upon such lands and enclosures, streets, lanes, alleys,

May hold real estate, take water from springs, &c.

roads, highways and bridges as it may be necessary to use or occupy for the purpose aforesaid, or to obtain materials for the construction of their works, and may occupy, ditch and lay pipes through the same, and their works from time to time repair, avoiding unnecessary damage or obstruction to streets, alleys and highways, and impairing the free use thereof as little as possible, and being at all times subject to such regulations as the councils of said borough may necessarily adopt to secure the protection and convenience of public travel over the same; and if any injury be done to private property, the said company shall make compensation therefor or give security for such compensation according to the provisions of the eleventh section of the act, entitled "An Act regulating railroads," approved February nineteenth, one thousand eight hundred and forty-nine; and within the bounds of the said city the said company shall not lay or construct pipes, conduits, aqueducts or other works through any private garden, court, yard without the consent of the owner thereof first had and obtained.

May enter upon lands to obtain materials, lay pipes, &c.

Damages.

SECTION 6. That if any person or persons shall open a communication into the water main or other pipe of the said company without authority from the inspector or authorized agent for said company, or shall let on the water after the same shall have been stopped by order of said inspector or authorized agent of said company for repairs or any other cause or purpose, or shall put up any hydrant or hydrants, pipe or pipes in addition to those originally put up and inspected, and introduce into them water without authority, as aforesaid, he, she or they shall be subject to a penalty of not less than ten nor more than one hundred dollars, recoverable before any justice of the peace of the proper county, as debts of like amount are by law recoverable, one-half to be paid to the informer and one-half to the company; but the said company may, without or with the informer, be plaintiff, and when the informer is not plaintiff on the record or in the suit; one-half part of the recovery shall be to his use.

Penalty for opening pipes, turning on water without authority, &c.

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, reservoir or works of said company, or water therein, or water pipes or any matter or thing pertaining to the same, shall be destroyed, injured, contaminated, stopped or obstructed, the person or persons so offending shall be guilty of a misdemeanor, and may therefor be indicted in the court of quarter sessions of the proper county, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not, in any way, impair the right of said company to a full compensation in damages by civil suit.

Penalty for Injuring works, &c.

SECTION 8. The capital stock of the said company may be increased from time to time by the board of directors of said company; and the said company may borrow money at such time or times, in such amount or amounts, and at such rate of interest, not exceeding eight per centum, as the directors

Increase of capital.

May borrow  
money.

shall deem necessary, and any sum or sums of money borrowed may be secured by mortgage or mortgages, pledge or pledges, of the property, effects and franchises of the said company or any part thereof, alone, or with bonds with or without coupons, or as may be agreed: *Provided*, That no bond or note of the said company shall be made for a less amount than one hundred dollars, and that the aggregate amount of the debts owing by the said company shall at no time exceed the amount of its capital stock then paid up: *And provided further*, That no increase of the capital stock of the said company shall be made unless stockholders, owning a majority of the stock of the said company already subscribed, shall, in writing, have consented thereto, being in no wise in default as to the payment of any instalment before required to be paid.

May establish  
rates and prices  
for water fur-  
nished.

SECTION 9. That said company, with any person or persons, body or bodies corporate with the said company, may agree and contract for water when to be furnished by the said company, and the said company may fix and establish rates and prices to be paid for water to be by it furnished, and collect the same as debts now are or hereafter may be by law collected, and may begin to furnish and receive pay for water when the works of the said company have so far progressed that it shall have been introduced within the limits of the said borough, and may also from time to time declare dividends out of the net profits to it accruing: *Provided*, That such part of the said works of the said company as may be by the directors deemed advisable, shall be done from time to time, and the company shall have as full powers over the work completed as though it had furnished the whole work contemplated by this act; and that the said company shall pay into the state treasury a tax of one-half of one per centum upon its capital stock, in four equal annual instalments.

Dividends.

Tax to state.

JAMES H. WEBB,  
Speaker of the House of Representatives.

WILLIAM A. WALLACE,  
Speaker of the Senate.

APPROVED—The second day of June, Anno Domini one thousand eight hundred and seventy-one.

JNO. W. GEARY.

No. 1243.

## A Further Supplement

To an act, entitled "An Act to incorporate the Saving Fund Society of Germantown and its vicinity," approved the sixth day of April, one thousand eight hundred and fifty-four.

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,*