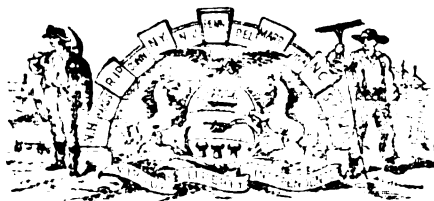


LAWS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,
PASSED AT THE
SESSION OF 1865,

In the Eighty-Ninth Year of Independence.

With an Appendix.



HARRISBURG:
SINGERLY & MYERS, STATE PRINTERS.
1865.

Blaylock, J. Duhadaway, Charles A. Miller, William J. Pollock, James B. Lindsay and James A. J. Buchanan, or any five of them, be and they are hereby appointed commissioners, to receive subscriptions, and organize a company, under the name, style and title of the Greene County Railroad Company, with power to build a railroad, from the Monongahela river, at, or near, the mouth of Dunkard creek, to the western line of Greene county, and to construct branches to any point in said county, with all the powers and privileges, and subject to all the restrictions, prescribed by an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of ten thousand shares, of fifty dollars each, to be increased, if deemed necessary by the stockholders, to an amount sufficient to complete the works of the company; and said company shall have power to issue mortgage bonds, not exceeding the amount of the capital stock, for the time being, at a rate of interest, not exceeding seven per centum.

ARTHUR G. OLMSTED,

Speaker of the House of Representatives.

WILLIAM J. TURRELL,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and sixty-five.

A. G. CURTIN.

No. 763.

An Act

To incorporate the Lycoming 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 Peter Herdic, Loren A. Ensworth, John B. Beck, A. P. F. Dodge, Malon Fisher, H. S. Morse, H. Mudge, L. Mahaffe, G. W. Youngsman, Robert Fordsman, Henry White, F. Coleman, A. T. Nichols, M. Eder, B. H. Taylor, H. E. Taylor, John G. Reading and H. G. Perkins, or any three of them, are hereby appointed commissioners, who shall procure suitable books, and in each of them enter as follows:—"We, whose names are hereunto subscribed, promise to pay, to the Lycoming Gas and Water Company, the sum of twenty-five

Subscriptions to stock, form of, &c., relative to.	dollars, for every share of stock set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of the act of assembly to incorporate the Lycoming Gas and Water Company. Witness our hands and seals the — day of —, Anno Domini one thousand eight hundred and sixty-five;" and after they shall have given notice, for twenty days, of the time and place, they shall open the said books, to receive subscriptions for the stock of the said company, and permit all persons, of lawful age, to subscribe for shares, in said stock, until four thousand shares shall have been subscribed; and the said commissioners, who act, shall have power to adjourn, from time to time, as they shall deem expedient, until the said stock, or such part thereof as shall be necessary, shall have been subscribed.
Notice to be given.	
When letters patent to be issued.	SECTION 2. That when one thousand shares of the stock shall have been subscribed, and two dollars paid on each share, so subscribed, the said commissioners, or any three of them, shall certify the fact to the governor, 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 four thousand shares, into a body politic and corporate, in law, by the name, style and title of the Lycoming Gas and 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 also, to ordain, and put in execution, such by-laws and ordinances as shall be necessary and convenient, for the government of the said company, and the preservation and security of their works and property, they not being contrary to the laws of this state, or the United States; 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 the matters and things, which lawfully appertain for them to do, for the well being of the company: <i>Provided</i> , That nothing, 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 distribution of gas, or water, in the territory, localities and vicinity, hereinafter described.
Title.	
Privileges.	
Seal.	
By-laws.	
Penalties, recovery of, &c.	
Prohibition.	
Organization.	SECTION 3. That when the letters patent shall have been obtained, the said commissioners shall give ten days' notice of a time and place for the stockholders to meet, and organize the company, and to choose, by a majority of their votes, by ballot, in person, or by proxy, one president and eight managers, who shall manage and conduct the business of the com-
Management.	

pany, until the second Monday of May, then next ensuing, and until like officers shall be chosen.

SECTION 4. That the stockholders shall meet, annually, on the second Monday of May, at such place as the by-laws shall fix, of which public notice shall be given, and choose, by a majority of their votes, their officers, for the ensuing year; and the stockholders shall meet, at such other times as they may be summoned by the managers; at which annual, or special, meeting, they shall have power to make, alter, or repeal, by a majority of their votes, all by-laws, orders, or regulations; and to adopt such measures, regarding the interests of the company, as to them shall be deemed expedient, and which shall be carried into effect by the president and board of managers.

Annual and special meetings of stockholders.

SECTION 5. That the president and managers shall procure certificates of stock, which, signed by the president and treasurer, and sealed with the corporate seal, shall be delivered to each stockholder, and which shall be transferable, at his pleasure, in the presence of the president, treasurer, or other person, appointed by the company, for that purpose, 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 the said company, the holder shall be a member of the said company; and in every election, or meeting, the stockholders of the said company shall be entitled to one vote, for each share of stock, by him, or her, held

Certificates of stock to be issued.

Transferable.

Votes.

SECTION 6. That if any subscriber for stock, or his assignee, 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 shall, in addition to the instalment called for, pay, at the rate of five per cent. per month, for delay; and if the same shall remain unpaid so long, as that this penalty shall amount to the sum actually paid in, by the said stockholder, it shall be in the power of said company to forfeit the said stock, and the amount paid thereon, to be disposed of by said company, as will best promote their objects and interest.

Stock may be forfeited, for non-payment of instalments.

SECTION 7. That the said company shall have power to provide, erect and maintain all works and machinery, or engines, necessary, or proper, for making, raising and introducing, for the purpose of supplying the inhabitants, residing within the limits of the plot, or territory, here described, and parts adjacent thereto, a sufficient supply of gas and pure water; the boundaries of the plot, or territory, described as follows: on the east, by the western boundary line of the borough of Williamsport, as established, prior to the year one thousand eight hundred and fifty-three; on the north, by a line, formed by extending the northern boundary line of said borough west to Lycoming creek, and on the west, by Lycoming creek, in a southerly direction, the junction of the said creek with the West Branch of the Susquehanna river; thence east, along the bank of said river, to the western boundary line of the borough of Williamsport, aforesaid, with privilege of introducing the gas and water, to supply the inhabitants of the village of Newberry, Jaysburg and vicinity; and the company are hereby author-

Powers.

Boundaries of territory, within which they may introduce gas and water.

Authorized to enter upon and hold lands, tenements, &c.

Limitation.	ized and empowered to enter upon, take and hold, for the purposes of this act, to them and their successors and assigns, in fee simple, or for any less estate, so much of the waters of any stream, within three miles of the mouth of the Lycoming creek, or any lands, tenements, or hereditaments, to which the water of said stream may be appurtenant, or any real, or personal, estate, or property, which shall be necessary to them, in the prosecution of their works: <i>Provided</i> , The same shall not exceed twenty-five acres, making compensation for the same, as hereinafter provided: <i>Provided further</i> , That the said company shall not extend their pipes into those parts of streets, in said borough, in which the Williamsport Gas, or Water, Company have laid their pipes, previously to the passage of this bill: <i>Provided also</i> , That the company shall not take water from the stream occupied, or taken, by the Williamsport Water Company, or Lycoming creek, and tributaries; and the said company may provide, erect and maintain all proper buildings, cisterns and reservoirs, for the reception of the gas and water, to be introduced; and for this purpose, they are authorized and empowered, by themselves, their agents, engineers and workmen, and with their tools, carts, wagons and horses, to enter into such lands and enclosures, streets, lanes and alleys, roads and highways, as may be necessary to occupy, so as to obtain materials, for the construction of the said works, and to occupy, ditch and lay pipes through the same, and the same, from time to time, repair, as necessity shall require; and if any injury be done to private property, the said company shall make compensation therefor, in the manner hereafter provided.
Prohibition.	
May provide buildings, cisterns, reservoirs, and enter upon streets, alleys, roads, &c.	SECTION 8. That if, in the location of the said works, an injury shall be done to private property, and the parties cannot agree upon the amount of compensation to be made to the owner, they may refer the subject to men, mutually chosen by them, or either party may apply to the court of common pleas, for the appointment of three judicious men, to view the premises, and make report to the court, whose award shall be subject to the right of appeal, by either party, and when appealed from, to be tried, as other cases are tried, in which, damages are claimed by the plaintiff; or if no appeal be entered, by either party, within twenty days from the date of the award, it shall have the effect of a judgment, and be collected in like manner.
Damages to private property, how to be assessed, &c.	SECTION 9. That when the said company shall have introduced gas and water into the said territory, hereinbefore described, to supply the inhabitants thereof, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants, pipes and fire plugs, wherever they shall deem the same necessary and proper, they shall then fix and determine, equitably, uniform rates of prices, to be paid by the citizens, for the use of the said gas and water; and if the said rates be not paid, according to the terms of the contract, between the citizens, who shall use the same, and company, the same may be collected by the said company, as county rates and levies are now collected, or by action, as debts of like amount are recoverable, at their option.
Rates of prices, relative to.	SECTION 10. That if any person, or persons, shall put, or cause to be put, or in any way introduce, into the dam, or re-
Collection of.	

servoir, from which the water of said company is supplied, any noxious, or offensive matter, or shall go in to swim, or bathe, in the same, or shall cut, deface, or injure, any part of the buildings, machinery, or works, of the said company, every such person shall pay a sum, not less than five, nor more than one hundred, dollars, at the discretion of a magistrate; to be recovered, as debts of like amount are recoverable, one-half for the use of the person, who shall sue for the same, and the other half, for the use of the company; and if the person, against whom a judgment shall be rendered, shall not pay the same, and no goods, or chattels, of his, can be found, upon which, levy may be made, to satisfy the same, then, any person, so offending, shall be committed, to the jail of the county of Lycoming, for any period, not less than five, nor more than sixty, days.

Penalty for introducing any noxious matter into the water, or injuring buildings, machinery, &c.

SECTION 11. That it shall not be obligatory, upon the said company, to carry into effect all the objects contemplated by this act; and if, upon opening the said books, for the subscription of stock, there shall not be a sufficient sum subscribed, to effectuate the object of introducing both gas and water, into the said territory, as hereinbefore described, then it shall be in the power of the said company, when organized, to confine their means to the attainment of either the introduction of gas, or water, or both, as the exigencies of the case, in their judgment, shall require: *Provided*, That the introduction of either gas, or water, first, shall not debar the company of the right to introduce the other, subsequently, at such times, as may suit their convenience.

If the subscriptions are insufficient, the company may confine their means to the introduction of either gas, or water.

Proviso.

SECTION 12. That the said company, if necessity require, shall have power, at any time, to borrow any sum of money, not exceeding fifty thousand dollars, to be applied to the prosecution, or improvement, of the said work, or works, and to pledge their goods, and chattels, property, franchises and effects, by mortgage, or otherwise, for the security and re-payment of the same.

May borrow money and secure payment thereof, by mortgage.

ARTHUR G. OLMSTED,
Speaker of the House of Representatives.

WILLIAM J. TURRELL,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and sixty-five.

A. G. CURTIN.