

[No. 39.]

AN ACT

Authorizing the Governor to incorporate the Hollidaysburg 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 C. Garber, G. L. Lloyd, M. C. Garber, James Kring, Charles O. Friel, Jacob Taylor, Peter Hewet, James Coffee, J. C. McClanahan, George R. McFarlane, William Williams, John Walker, Henry King, Thomas B. Moore, Jeremiah Cunningham, N. Hewet, A. McCormick, and James Gardner, be and they are hereby appointed commissioners, who, or any five of them, are authorized to do and perform the several matters and things hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure a book and enter therein as follows: "we the subscribers, promise to pay to the president and managers of the Hollidaysburg Water company, the sum of twenty-five dollars for every share set opposite to our names, in such manner, in such proportions, and at such times as shall be determined by said president and managers, in pursuance of the powers vested in them by their charter, and the acts of assembly by which they were incorporated. Witness our hands and seals the _____ day of _____, one thousand eight hundred and forty _____;" and shall thereupon give notice in the newspapers published in said borough of Hollidaysburg, during two successive weeks, of the time and place in such borough, when and where they will attend to receive subscriptions for stock in said company; at which time and place said commissioners, or any five of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age, who shall offer to subscribe in said books in their own name, for shares in the said stock; and the said book or books shall be kept open for the purposes aforesaid, at least six hours in each juridical day, for the space of three days, or until there shall have been subscribed a sufficient number of shares to complete the work: *Provided*, That no person be permitted to subscribe for more than ten shares on the first day, nor more than twenty shares on the second day, after which any person may subscribe for any number of shares, until the whole of the stock is taken: *Provided*, That no subscription shall be valid, unless the person so subscribing shall pay to

Commissioners

Form of subscriptions

Notice for receiving subscription to be given

Proviso

Proviso

the said commissioners one dollar on each of the shares so subscribed, which after deducting the cost of taking the subscriptions and other incidental expenses, the commissioners shall pay over to the treasurer of the company, when it shall be organized.

SECTION 2. That when five hundred shares shall have been subscribed, the commissioners shall certify the same with the names of the subscribers, under the hands and seals of the commissioners, to the Governor, who thereupon shall under his hand and the seal of the State, create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of the *Hollidaysburg Name Water company*, by which the said company shall have power of perpetual succession, and all the privileges and franchises incidental to a corporation, and shall be able and capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same and increasing it by new subscriptions, if found necessary, to fulfil the intention of this act, and of purchasing, holding, selling and transferring in fee simple, or for any less estate, such lands, tenements, and hereditaments, real or personal, as shall be necessary in the prosecution of the works, and of suing and being sued, and of doing any and every matter and thing which a corporation may lawfully do.

SECTION 3. That any five or more of the commissioners aforesaid, may, and shall as soon as conveniently may be after the letters patent have been issued, give at least ten days notice in each of the papers published at Hollidaysburg, of the time and place of holding an election for the officers of the company, to serve as hereinafter provided. Annual elections for the officers of the company, to be held after their first election: at the time and place of electing the burgess and council of the borough of Hollidaysburg aforesaid; and the officers of the company shall be eight managers, who shall out of their number elect a president, and shall also appoint a treasurer, a secretary, and such officers and agents as they may from time to time deem necessary, whose term of office shall severally be for one year after the first term, which shall be limited by the time of election of the aforesaid borough officers. The eight managers aforesaid, shall between the first and second election cast lots, by which they shall be divided into two equal divisions, the term of service of four expiring at the next subsequent election; and the term of service of the remaining four shall continue until the second subsequent election; there being an annual election for four managers, except in case of vacancy, which shall be filled at the next election after the occurrence of such vacancy.

SECTION 4. In all elections for officers of the corporation,

- Votes** each stockholder shall be entitled to one vote for each share owned by him, from one to four inclusive; one vote for each two shares he may own, from four to twelve inclusive; one vote for each four shares, from twelve to twenty-eight, and one vote for each eight shares above twenty-eight.
- By-laws** **SECTION 5.** That the president and managers, or any five of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well being of the company, to call special meetings of the stockholders, whenever they shall deem it necessary to consult them: *Provided*, That no by-laws, rules, or regulations shall contravene the constitution and laws of this commonwealth.
- Proviso** **SECTION 6.** That the president and managers shall procure a common seal, by which the certificates of stock shall be authenticated; which certificates of stock shall be transferable either in person or by power of attorney, attested by two witnesses, subject however, to all dues and payments due or to become due thereon.
- Seal** **SECTION 7.** That the managers shall meet at stated times, or by adjournment, or by a call of any two or more of the managers; and five managers including the president, shall form a quorum to transact business.
- Meetings** **SECTION 8.** That the managers aforesaid shall have power, and it shall be their duty, as soon as practicable, after the organization of the company, to proceed to bring into the borough of Hollidaysburg, and if thought advisable, into parts of Blair township, adjacent to said borough, an abundant supply of water, from such stream or streams, spring or springs as they may select; and shall have power for that purpose, to force water by steam power or water power, into a reservoir or reservoirs, which they may construct for its reception, and bring the same in trunks or pipes, through or across any field or enclosure, along any road or highway, and through any of the streets and alleys of the borough of Hollidaysburg, or of the townships in the neighborhood of said borough: *Provided*, That the rail road shall not be used for said purpose, without the consent of the board of canal commissioners; and shall at all times have liberty and power to repair or re-construct such trunks, pipes, reservoirs, or works necessary to carry into effect the object of this law.
- Duty & powers of managers** **SECTION 9.** That the managers aforesaid, shall in such streets and alleys in the borough of Hollidaysburg, and the adjacent parts of Blair township, as they shall have laid pipes, cause hydrants or fire-plugs to be erected, to be used for the purpose of extinguishing fires, and shall have liberty to supply or to suffer individuals to be supplied with water, for domestic and manufacturing purposes, for such compensation as shall be agreed upon by the company and such individuals, according to uniform rates to be adopted by the managers, having
- Hydrants and fire plugs**
- Compensat'n and rates**

regard to the quantity of water to be used. And the said company shall have power to lease or rent out any surplus steam or water power, that may be found to exist after the works shall be in full operation.

SECTION 10. That the said borough of Hollidaysburg be, and they are hereby authorized and empowered, to subscribe to the stock of the said company, under the conditions and restrictions hereinbefore stated as applying to individual subscribers; the votes to which the borough may be entitled, to be given by the burgess. And the said borough is further authorized, to contract with and pay to the said company, any sum that may be agreed upon, for the use of the fire plugs aforesaid, or for the erection of hydrants for the public or private use of the citizens of said borough, levying and collecting such taxes for the use of the same, as the burgess and town council shall deem just and expedient.

Borough of
Hollidaysb'g
authorized to
subscribe for
stock in water
company

SECTION 11. That the president and managers shall have the power of calling in the capital stock, by such instalments as they may deem advisable, and to collect the same by suit, after giving thirty days notice in two of the papers published in the borough of Hollidaysburg; and after the debts of the company shall have been paid, they shall, by their president, declare a half yearly dividend on the stock paid in, on the first Mondays of January and July, publishing the time and place of paying the same, and causing it to be paid accordingly.

Instalments
Dividend

SECTION 12. That any person who shall wilfully destroy or injure the works, pipes, reservoirs, cisterns, hydrants or other fixtures of the company, or shall wilfully corrupt or render unwholesome the water brought or conveyed into the borough by the company, or the stream or streams, spring or springs from which the same is brought, shall be deemed guilty of malicious mischief, and be liable moreover to the company for damages sustained by such injury.

Penalty for
injuring
works

SECTION 13. That if the company shall not proceed to commence and carry on the work hereby authorized to be done, within three years from the time of the passage of this act, and shall not within five years thereafter have brought the water within the limits of the borough, then in either case all and singular, the rights and liberties hereby granted or hereby intended to be granted to the company, shall revert to the Commonwealth.

Time for com-
mencement &
completion
limited

SECTION 14. That the company aforesaid, shall not have power to issue any note or notes, in the nature of bank notes, or to be endorsers on any note or notes, or to use or exercise any banking privileges whatever, and in case they at any time act contrary to the provisions of this section, their charter privileges shall be null and void.

Banking pri-
vileges prohi-
bited

SECTION 15. That whenever by application to the court of common please of Huntingdon county, any individual or indi-

Injury to private property how remedied

viduals complain and allege, that he, she or they have sustained injury by such water being taken from or across their land or enclosures, it shall be lawful for the said court, and the said court is hereby directed to appoint three discreet, disinterested citizens of the said county, who after viewing the premises and hearing the parties, their proofs and allegations and taking into consideration, the advantages resulting from said water works, if any, shall award such damages under oath as they may deem just and equitable: *Provided*, That from such award either party may appeal as from the award of arbitrators, under the act of assembly passed the twentieth day of March, one thousand eight hundred and ten.

Proviso

Borough of Hollidaysburg may purchase water works

SECTION 16. That at any time from and after five years from the completion of said water works, the borough of Hollidaysburg shall have the privilege of purchasing from the said company, the water works aforesaid, with all their privileges and powers, pipes, trunks, cisterns, reservoirs and fixtures, paying to the said company the whole cost of said works, fixtures and so forth, with interest upon the same, at the rate of six per cent., from the time of the expenditure until the time of said purchase.

WM. A. CRABB,

Speaker of the House of Representatives.

JNO. J. PEARSON,

Speaker of the Senate pro tempore.

APPROVED—The twelfth day of March, A. D. eighteen hundred and forty-one.

DAVID R. PORTER.

[No. 40.]

A FURTHER SUPPLEMENT

To the act to incorporate the Lehigh Coal and Navigation Company.

SECTION I. *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 it shall be lawful for the Lehigh Coal and Navigation company to increase their capital stock, by the sale of shares or otherwise, to any amount which shall not exceed the actual cost of the navigation and rail road, re-

Lehigh coal & nav co authorized to increase capital stock