

[No. 127.]

AN ACT

To Incorporate the Kingston 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 the present members of the "Kingston water company," that is to say, William C. Reynolds, Elias Hoyt, Thomas Myers, Bester Payne, Reuben Jones, A. C. Church, their successors and assigns, shall be and they are hereby made and constituted a body politic and corporate, by the name, style and title of the "Kingston water company," and by the same name, style and title shall have continual succession, and shall be able, in law, to sue and be sued, to plead and be impleaded, and to make, have and use a common seal, and all the privileges and franchises incident to a corporation necessary for the purpose of supplying the inhabitants of the village of Kingston with water, and for no other purpose whatever, and shall be capable of taking and holding the public stock, and the increase and profits thereof, and of enlarging the same by new subscription, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them their successors and assigns, and of selling and transferring, in fee simple, or for any less estate, such lands, tenements, hereditaments and estates, real and personal, as shall be necessary in the prosecution of their works, and of doing every matter and thing which a corporation or body politic may lawfully do in the premises.

SECTION 2. That any three or more of the stockholders shall, as soon as conveniently may be after the passing of this act, give at least ten days notice, by at least three written or printed advertisements, to be put up at the most public places in the said village of Kingston, of the time and place of the stockholders to meet and hold an election for choosing, by ballot, five managers, who shall be stockholders, to conduct the affairs of said company until the first Monday of May then next ensuing, and the said managers shall appoint one of their number president, who shall sign all contracts and certificates of stock. The president and managers shall have power to appoint a treasurer and such other officers and agents as may be necessary; and the elections for officers shall be held annually on the first Monday of May, at such hour and place as may be appointed by said managers, of which at least ten days notice shall be given, as aforesaid, and when vacan-

Corporators

Name

Seal

Privileges & franchises

Election how, when and where held

Officers

Annual election

cies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That ^{Proviso} no stockholder not resident within the village of Kingston shall be eligible as a manager or treasurer of said company. *And provided*, That no misnomer nor failure of election of ^{2d proviso} officers on the day appointed shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place and after such notice as a majority of the stockholders may prescribe.

SECTION 3. That the president and managers, or any three ^{By-laws} of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well governing all the affairs of said company, and shall also have power to call *special meetings* of the stockholders whenever any circumstances occur which may render it necessary to consult ^{Proviso} them: *Provided*, That such by-laws, rules and regulations shall in no case contravene the constitution and laws of this Commonwealth.

SECTION 4. That the said company may proceed and bring, introduce and convey water into the said village of Kingston, ^{Object} in case of a deficiency in that already introduced, from such stream or spring as may be fixed on and purchased by said company for that purpose, by means of pipes, trunks or aqueducts, and also to provide proper cisterns or reservoirs for the reception thereof, and for these purposes, may enter into such lands and enclosures as may be necessary, and to dig, ditch and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever damage shall be done by them. When the parties cannot agree according to an assessment made by three disinterested freeholders, to be appointed, on application, by the court of common pleas in and for the county of Luzerne, and who shall be duly sworn or affirmed, justly and truly to make such assessment; as the said company shall at all times, paying damages as aforesaid, have liberty to renew and repair the pipes which have already been laid, or which shall hereafter be laid on and through private property, doing as little damage as possible, and also shall have liberty at all times to dig and lay pipes along roads and highways and the streets and alleys of the said village of Kingston, and to renew and repair the same, shutting up and amending any breach which they may respectively make, as soon as possible; and it shall be lawful ^{Damages—howascertained and paid} for them to make cisterns and reservoirs, and to set hydrants in the streets or public ground in the said village of Kingston, when it may be necessary: *Provided*, That in all cases ^{Cisterns, by-drants, &c} where the damages assessed, in the manner provided for in and by this section, shall exceed the sum of twenty dollars, either party may, within thirty days after such assessment ^{Proviso}

Appeal shall be made, and notice thereof given to the parties, appeal to the said court of common pleas of the county of Luzerne, and in every case in which such appeal shall be taken, like proceedings may be had as in other cases in said court.

Rates SECTION 5. That the said company shall have liberty at all times, when the pipes shall be laid in and through any of the streets and alleys of the village of Kingston aforesaid, to suffer individuals to be supplied with water for domestic or manufacturing use, for such reasonable compensation as shall from time to time be agreed on by the company and such individuals, according to certain uniform rates which shall hereafter be adopted, having regard to the probable quantity of water which applicants are likely to consume.

**Expenses—
how paid** SECTION 6. That all necessary expenses which may be incurred by the said company in the erection of their works shall be equally divided and paid by the individual stockholders thereof, and in case the funds arising from the sale or rent of water privileges shall not be sufficient to keep said work in repair, the deficiency (by the advice and consent of two thirds of the stockholders,) shall be equally divided and paid by the individual stockholders of the said company, and in case any stockholders shall neglect or refuse to pay his or her share or proportion of the reasonable expenses of the said company for erecting and repairing their said works, the same shall be collectable by action of debt before a competent tribunal, in the name and for the use of said company.

**Penalty for in-
juring works** SECTION 7. That if any person or persons shall wilfully destroy or injure in any manner the pipes, cisterns, aqueducts, reservoirs, hydrants, or any of them, or any of the work of said company, or shall wilfully corrupt or otherwise render unwholesome the stream of water which already is or hereafter shall be conveyed and brought into the said village of Kingston by the said company, he, she or they shall, on being convicted before any justice of the peace in and for the county of Luzerne, by the oath or affirmation of one or more creditable witnesses, pay a fine not exceeding fifty dollars, one half to the treasurer of the said village of Kingston for the improvement of the streets and highways thereof, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Prohibition SECTION 8. That the company hereby incorporated shall at no time be directly or indirectly engaged or concerned in any other business than such as shall be necessary to the exercises of the proper functions of such company, as expressly allowed in this act.

SECTION 9. That the legislature reserve the right to alter, amend or revoke the charter hereby granted. Legislative reservation

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—The fifth day of May, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 128.]

A N A C T

Relating to Banks, and for other purposes.

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 from and after the first day of July next, it shall not be lawful for any bank in this Commonwealth, to issue or re-issue any certificate in the similitude of a bank note, purporting to be receivable on deposit, special or general, under a penalty of five dollars for every certificate so issued or received, to be recovered as debts of like amount are by law recoverable, for the use of the person suing therefor; and the said bank shall be liable for any such issue already made, as if the same were made payable on demand, and were in the form of a bank note: *Provided,* That nothing contained in this act shall be so construed as to prevent the banks of this Commonwealth from issuing or re-issuing the notes authorized by the act entitled "An act to provide revenue to meet the demands on the treasury, and for other purposes," passed the fourth May, one thousand eight hundred and forty-one. Banks prohibited issuing certificates of deposit or post notes of the similitude of bank notes

SECTION 2. That in addition to the powers and privileges conferred upon and vested in the Allegheny coal company, by an act passed on the twenty-fifth day of May, eighteen hundred and thirty-nine, be and the said company is hereby authorized and empowered to manufacture iron, in all the various branches of said manufacture, and to erect such buildings and machinery as may be necessary and incident thereto. And the said company shall have power and authority to increase the capital stock thereof to five hundred thousand dollars, and to hold any quantity of lands not exceeding four thousand acres, to be situate in the county of Somerset. Proviso
Allegheny coal company authorized to make iron
Increase stock