

L A W S

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1850,

IN THE

SEVENTY-FOURTH YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG:

J. M. G. LESCURE, PRINTER TO THE STATE.

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1850.

No. 241.

AN ACT

To incorporate the Allentown 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 Jacob Bitz, Charles Seagraves, Jacob Miller, Thomas Weaver, Jesse Samuels, John Apple, Peter Troxal, Henry Reichard, or any three of them, are hereby appointed commissioners to do and perform all matters and things hereafter mentioned; that is to say, they or a majority of them shall procure a book or books and therein enter as follows: “We whose names are hereunto subscribed, do promise to pay to the president and managers of the Allentown water company, the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers, in pursuance of an act of assembly, entitled ‘An Act to incorporate the Allentown water company.’ passed the day of Anno Domini, one thousand eight hundred and fifty. Witness our hands the day of Anno Domini, one thousand eight hundred and ;” and shall thereupon give notice in one or more of the public newspapers printed in Allentown, of the time and place or places when and where said book or books shall be opened to receive subscriptions for the stock of said company, at which time and place one or more of the said commissioners shall attend, and permit and suffer all persons or bodies corporate, including the commissioners of Lehigh county, and the burgess and town council of the borough of Allentown, in their corporate name, who shall offer to subscribe in said book or books, which shall be kept open for the purpose at least six hours in every juridical day for four days, if four days shall be necessary; and if at the expiration of the said time, three hundred shares shall not be subscribed on the said books, the said commissioners may adjourn from time to time, and from place to place until the said number of shares shall be subscribed, and then the books shall be closed: *Provided always,* That every person subscribing as aforesaid, in his own name, or in the name of any other person or body corporate, shall, at the time thereof, be required to pay to the attending commissioner or commissioners two dollars on each share, out of which the said commissioners shall defray the expenses attending the taking of such subscriptions, and other incidental charges; and the balance shall be paid over to the treasurer of the said company as soon as the same shall be organized, as hereinafter mentioned.

SECTION 2. That when ten or more persons shall have subscribed not less than one hundred shares, the commissioners aforesaid may, or when the whole number of shares aforesaid are subscribed, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the amount paid on each share, to the governor of this commonwealth; and thereupon he shall, by letters patent under his hand and the great seal of the state, create and erect the subscribers, and also those who shall afterwards sub-

Commissioners.

Form of subscription.

Who may subscribe.

Proviso.

Letters patent.

- scribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of "The Allentown water company," by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, so that the whole number of shares shall not exceed three thousand five hundred, and of purchasing, taking and holding, to them and their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such springs or springs, stream or streams of water, or any water power or powers near or convenient to said borough, or lands, tenements, hereditaments and estate, real and personal, or shall be sold, devised, granted or conveyed to them by deed, bequest or otherwise, and of suing and being sued, and doing every matter or thing which a corporation or body corporate and politic may lawfully do: *Provided*, That the yearly income of such real estate shall not exceed three thousand dollars.
- SECTION 3.** That any three or more of the aforesaid commissioners shall, as soon as conveniently may be after the issuing of the letters patent aforesaid, give at least ten days' notice in one or more of the newspapers printed in Allentown, of a meeting of the stockholders, at a time and place certain therein mentioned, to hold an election for choosing by ballot five managers, who shall be stockholders, to conduct the affairs of the said company until the first Monday in May, Anno Domini, one thousand eight hundred and fifty-one; and in all elections each stockholder shall be entitled to one vote for each share (bona fide held by him) not exceeding five, and for every five shares above the first five and not exceeding twenty, one vote; and no stockholder shall be entitled to more than eight votes at any election; and the said managers shall appoint one of their number president of the board, 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 election for officers shall be held annually on the first Monday in May, at such place as may be appointed by the managers, of which at least ten days' notice shall be given as aforesaid, and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That such managers, president, secretary and treasurer shall be residents of the borough of Allentown: *And provided further*, That no misnomer or failure of election of 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 the board of managers may prescribe.
- SECTION 4.** That the president and managers, or a majority of them, shall have power to adopt such by-laws and regulations as they may deem expedient, and shall have power to call special meetings of the stockholders, whenever they may deem it necessary or advisable: *Provided*, That such by-laws, rules and regulations shall in no case contravene the constitution and laws of this commonwealth or of the United States.
- SECTION 5.** That the president and managers shall procure a common seal, and the certificates of stock and other official acts shall be authenticated by affixing the same; and one certificate of stock signed by the president, countersigned by the secretary and sealed as aforesaid, shall be delivered unto each person for every share held by him or her,
- Style of corporation. and in law, by the name, style and title of "The Allentown water company," by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, so that the whole number of shares shall not exceed three thousand five hundred, and of purchasing, taking and holding, to them and their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such springs or springs, stream or streams of water, or any water power or powers near or convenient to said borough, or lands, tenements, hereditaments and estate, real and personal, or shall be sold, devised, granted or conveyed to them by deed, bequest or otherwise, and of suing and being sued, and doing every matter or thing which a corporation or body corporate and politic may lawfully do: *Provided*, That the yearly income of such real estate shall not exceed three thousand dollars.
- Privileges.
- Proviso.
- Organization.
- Votes.
- Officers.
- Proviso.
- Proviso.
- By-laws, &c.
- Proviso.
- Certificates of stock.

as soon as two dollars shall be paid on each share subscribed by him or her, which certificate shall be transferable in person or by attorney duly authorized on the books of said company; subject, however, to payments due or to become due thereon; and thereupon the assignee of such share on such transfer being entered on the books of the company, shall be a member of the corporation as fully as if he or she had been an original subscriber. Transferable.

SECTION 6. That the president and managers shall meet at such times and places as shall be fixed by the by-laws, and when met three shall form a quorum, and in the absence of the president a chairman may be chosen of this number met, and all their transactions, as well as every matter or thing relating to the affairs of said company, shall be entered in a book or books to be kept for such purpose; and a quorum being formed they shall have full power to contract with and employ engineers, artists and such workmen as they may deem necessary to carry on and complete the works, as well as to uphold, alter or repair the same, and also fix the times and manner, and in what proportion the stockholders shall pay the money yet to pay on their respective shares; and to draw on the treasurer for all moneys that may be necessary and required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things, as by this act or their by-laws, rules and regulations they shall be authorized to do; and may also borrow money if necessary, on the credit and security of the corporation, so that the amount so borrowed do not exceed at any time four thousand dollars. President and managers.
Quorum.
Powers.

SECTION 7. It shall be the duty of the president and managers, as soon as may be, to proceed to bring and convey into the borough of Allentown, by means of steam or water power or any other way, through pipes, trunks, aqueducts or other means, some spring or springs, stream or streams of water, from the neighborhood of or within the bounds of said borough, the right of which shall have previously been vested in said company, and also provide cisterns or reservoirs for the reception thereof; and if they deem it expedient, may contract with the present holders of the property of the old Northampton water company for the property now held by them; and for the purpose aforesaid, they may enter into such lands or enclosures as may be necessary, and dig ditches, and lay pipes and trunks through the same, doing as little damage to private property as possible, and paying whatever injury may be done by them; and when the parties cannot agree, then according to an assessment to be made by three disinterested freeholders, to be appointed, on application, by the court of common pleas of Lehigh county, and who shall be duly sworn or affirmed justly and truly to make assessment of said damages; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair all their pipes, trunks or structures through private property, doing as little damage as possible; and shall also have liberty at all times, paying damages as aforesaid, to dig and lay pipes and trunks along roads, highways and the streets and alleys in the borough of Allentown, and to renew and repair the same, shutting up and amending any breaches which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs in the streets or public grounds of said borough, when the same may be deemed necessary, making compensation as aforesaid. President and managers, duties.

SECTION 8. That the president and managers shall, in such street or parts of the borough where pipes shall be required and laid, permit the said borough to erect hydrants to be used solely for extinguishing fire, Borough permitted to erect hydrants, &c.

Individuals to be supplied with water, &c.

paying a reasonable sum annually for such privilege; and the said company shall at all times, where trunks and pipes shall be laid in through any of the streets and alleys in said borough, suffer individuals to be supplied with water for domestic use, and such other uses as the president and managers may permit, for such reasonable compensation as shall from time to time be agreed on by the said president and managers and such individuals, according to such certain uniform rates as the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume:

Proviso.

Provided, That the owners of the freehold on and upon which said water is taken and used, shall in all cases be the parties with whom such contract for the use of water shall be made, and the said real estate shall be bound for and liable for the payment of the same, reserving to the company the right to contract with the lessees or tenants, on the responsibility of the said lessees or tenants, if they see fit or proper so to do; and any person or persons within the said borough who shall take any of said water for domestic or other uses, without having previously contracted for the same with the said president and managers, shall forfeit and pay for every such offence, any sum not exceeding the sum of fifty dollars, to the said president and managers for the use of the company, to be recovered before a justice of the peace by action of debt or assumpsit, in the same manner as debts of equal amount are now by law recoverable.

Remedy in case of unnecessary waste of water, &c.

SECTION 9. That if any person or persons, or body politic, who shall have contracted with the said company for the use of said water, shall wantonly and unnecessarily waste the same, to the injury of the said company, or shall permit any other person or persons not being by the said contract entitled to the use thereof to make use of the same, or shall neglect and fail to pay to the said company the amount of money by him, her or them agreed upon to be paid as a compensation for the use of said water, for the period of three months after the same shall be due and payable according to the terms of said contract, it shall be lawful for the president and managers to withhold and cut off such water from the premises of such individual, or body politic and corporate, until all such damages, with interest and costs of recovering the same, shall be paid: *Provided*, That nothing herein contained shall be so construed as to effect, impair or take away the right of the said company to sue for the recovery of the amount of such arrearages.

Forfeited stock.

SECTION 10. That the president and managers shall call in such part of the capital stock of the said company, (the shares being ten dollars each,) as shall remain unpaid, in instalments, as the same may be required, and if any stockholder or original subscriber shall neglect, after twenty days' notice, published in one or more of the newspapers printed in the borough of Allentown, to pay such instalment, payment may be enforced as in other cases by action of debt before a justice of the peace, or the president and managers may at their election declare said stock and moneys paid thereon, forfeited to the use of the said company; and whenever the debts of the said company shall be paid and the income exceed the expenses of the said company, the president and managers shall declare a dividend of such surplus on the stock paid in half yearly, on the first Mondays in January and July in each year, and shall publish the said dividend and the place where the same is payable, and shall cause the same to be paid accordingly.

Penalty for injuries, &c., to property of company

SECTION 11. That if any person or persons shall wilfully destroy or injure in any manner, the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said company erected, or to be erected in pursuance of this act, or shall wilfully cor-

rupt or otherwise render unwholesome, or use without permission the stream of water which shall be conveyed or brought through the borough of Allentown by the said company, on being convicted thereof before any justice of the peace in and for the said county of Lehigh, by the oath or affirmation of one or more credible witnesses, shall pay a fine not exceeding twenty dollars; one-half to go to the poor of said county and the other half to the informer, and shall moreover remain liable for all damages to the company.

SECTION 12. That the said corporation shall not have power to issue any note or notes in the nature of bank notes, or to be endorsed on any note or notes on their corporate capacity, or to make discounts or receive deposits; and in case the said company shall at any time hereafter violate any of the provisions of this section, their charter and privileges shall become null and void.

SECTION 13. The county commissioners of the county of Lehigh, and the burgess and town council of the borough of Allentown, are hereby authorized and empowered to subscribe to the capital stock of said company, any such number of shares as they may deem right and proper, in which event the commissioners of said county, and the burgess and town council of said borough, shall have the right to vote at the elections of said company, under the same provisions as private individuals.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 242.

AN ACT

In relation to the districts of Richmond, Kensington and Penn, in the county of Philadelphia.

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 commissioners of Richmond, in the county of Philadelphia, and the commissioners of the district of Penn, in said county, are hereby authorized and directed to set apart and appropriate two mills of every dollar of the assessed value of the property taxed by the said commissioners, for the use of the said districts respectively, for the purpose of securing the payment of the interest on such sums of money as have been and shall be hereafter borrowed by the commissioners of the said districts, on the credit of and for the use of the said districts, and for

Relative to the pay of interest on sums of money borrowed by Richmond and the district of Penn, Philadelphia county.