

J. P. Shannon
LAWS

Pennsylvania, Laws, Statutes, &c.
OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1845,

IN THE

SIXTY-NINTH YEAR OF INDEPENDENCE,

INCLUDING SEVEN ACTS PASSED BY BOTH BRANCHES OF THE LEGISLATURE AT THE
SESSION OF EIGHTEEN HUNDRED AND FORTY-FOUR.



PUBLISHED BY AUTHORITY.

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1845.

opening of the road, said court shall confirm such view or review, and the assessment of damages, which shall be paid as now directed by law; but if said court shall not be satisfied, the said report shall not be confirmed unless the same shall be paid first by the petitioners.

SECTION 5. That from and after the passage of this act, it shall be the duty of the county commissioners of Allegheny county, to repair all bridges erected by the said county, and to pay the expenses of such repair out of the county treasury in the usual manner. Allegheny county, bridges, &c.

SECTION 6. That from and after the first day of June next, the number of road and bridge viewers appointed by the courts of quarter sessions of the county of Beaver, shall be three, one of whom shall be a surveyor; and every view and review shall be made by the whole number of persons so appointed, a majority of whom shall concur in their report in order to its confirmation by the court. Beaver county.

SECTION 7. That from and after the passage of this act, the supervisors of each township in the county of Crawford, or a majority of them, are hereby authorized and required at their first meeting, as is provided for in the second section of the act, entitled "An Act relative to roads and bridges in the counties of Crawford, Clearfield, and Greene," approved the seventh day of May, eighteen hundred and forty-four, to divide their respective townships into as many road districts as they deem necessary, and at the same time and place appoint a competent person for each road district to serve as road master, who shall do and perform all the duties enjoined on road masters, by the aforesaid act. Crawford county.

SECTION 8. That so much of the said act as is hereby supplied, be and the same is hereby repealed. Repeal.

SECTION 9. That this act shall take effect on the first day of June next. When to take effect.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 41.

AN ACT

To authorize the governor to incorporate the Bethlehem 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 Bethlehem water company, that is to say, P. H. Goopp, Wm. Eberman, Henry Shulz, J. C. Brickenstein, C. D. Bishop, Christian Luckenbach, Henry B. Luckenbach, Charles L. *Corporators.*

Name.	Knauss, John Oerter, C. F. Beckel, Jonathan Bishop, Felix Fenner, Francis Zoller, G. Greenewald, Chas. Tombler, John M. Micksh, Jacob Siegmund, and James T. Borheck, 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 Bethlehem 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
Object.	purpose of supplying the town of Bethlehem 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.
Powers.	
Election.	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 five written or printed advertisements, to be put up at the most public places in the said town of Bethlehem, to meet and hold an election for choosing by ballot six managers, who shall be stockholders, to serve as hereinafter provided; and the elections for officers shall be annually on the first Monday after the first day of April, at such hour and place as may be appointed by said managers, of which at least ten days notice shall be given as aforesaid: <i>Provided</i> , That no stockholder not residing within the town of Bethlehem shall be eligible as a manager or treasurer of said company: <i>And provided</i> , That no misnomer nor 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. The six managers aforesaid shall, at their first meeting, by casting lots, divide themselves into two equal sections—the term of service of the first section to expire at the next election, the services of the second section to continue to the next subsequent election—the
Annual.	annual elections being for three managers, excepting when vacancies shall have occurred, which shall be supplied at the next election subsequent to such occurrence. In all elections and upon all questions arising at meetings of the stockholders, each stockholder shall be entitled to one vote for each share <i>bona fide</i> held by him, not exceeding four; and for every two shares above the first four, and not exceeding twelve, one vote; and for every four shares above the first twelve, and not exceeding twenty-eight, one vote; and for every eight shares above the first twenty-eight, and not exceeding one hundred, one vote; and no stockholder shall be entitled to more than twenty-one votes; and no votes by proxy shall be received, nor shall any person be entitled to vote at a meeting of stockholders, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name, in the books of said company, for at least two months previous to said meeting. The said managers shall appoint one of their number president, who shall sign all certificates of stock and contracts; they shall also have power to appoint one of the stockholders who may not be a manager for the time being, treasurer, and who by virtue of this appointment becomes a member of the board, and to appoint such
Proviso.	
Eligibility.	
Classification.	
Vacancies.	
Vote.	
Certificates of stock.	

other officers and agents as may be necessary. And when vacancies happen, the managers may supply them from among the stockholders, until the next annual election.

SECTION 3. That the president and managers, or any four of them, shall have power to adopt such by-laws, rules and regulations, as shall not contravene the constitution and laws of the United States and of this commonwealth, and may be deemed expedient for the well governing of all the affairs of said company; and shall also have power to call special meetings of the stockholders whenever they deem it expedient to consult them. By-laws.

SECTION 4. 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 the president and managers shall procure certificates for all the shares of the stock of said company, and shall deliver one such certificate, signed by the president, countersigned by the secretary and seal as aforesaid, unto each person for each share held by him or her, as soon as twenty dollars shall be paid on such share; and every such certificate shall be transferable, in person or by attorney duly authorized, in the presence of the president or secretary of said company, subject, however, to all payments due and to become due thereon; and the assignee holding such certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber. Seal. Certificates transferable.

SECTION 5. That the president and managers shall meet at stated times, by adjournment, or upon the call of the president, or of any two or more of the managers; and when met, four members shall be a quorum, and, in the absence of the president, a chairman may be chosen of the members met; and, a quorum being formed, they shall have full power to make contracts, draw on the treasurer for all the moneys that may be 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 and their by-laws, rules and regulations, they shall be authorized to do. Meetings.

SECTION 6. That the president and managers may proceed and bring, introduce and convey water into the said town of Bethlehem, 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, or other means, and also provide proper cisterns or reservoirs for the reception thereof; and for these purposes they may enter into such lands or enclosures as may be necessary, to dig, ditch and lay pipes and trunks through the same, doing as little damage as possible to private property, and paying for whatever damage shall be done by them in case the parties cannot agree, according to an assessment made under oath or affirmation by three disinterested persons, to be appointed, on application, by the court of common pleas in and for the county of Northampton; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the pipes or trunks which have already been laid, or which shall hereafter be laid on and through private property; and also have liberty at all times to dig and lay pipes or trucks along roads and highways, and along the streets and alleys of the said town of Bethlehem, 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 for them to make cisterns and reservoirs, and to set hydrants in the streets or public ground in the said town of Bethlehem, when it may be deemed Manner of introducing water. Damages.

Proviso. necessary: *Provided*, That in all cases 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 shall be made, and notice thereof given to the parties, appeal to the said court of common pleas of the county of Northampton, and in every case in which such appeal shall have been taken, like proceedings may be had as in other cases in said court.

Hydrants. SECTION 7. That the said president and managers shall, in such streets, or parts of the said town of Bethlehem, where pipes or trunks shall have been laid, erect hydrants, to be used for the purpose of extinguishing fires, and shall have liberty to supply or suffer individuals to be supplied with water, for domestic or manufacturing use, for such reasonable compensation as shall, from time to time, be agreed upon by the said president and managers and such individuals, according to

Rates. certain uniform rates hereafter to be adopted by said president and managers, having regard to the probable quantity of water which applicants are likely to consume. And the said president and managers

Surplus water. shall have power to lease or rent out any surplus stream or water power that may be found to exist after the purpose of providing water for the inhabitants of Bethlehem shall have been attained. And any person or persons within the said town, who shall take any of said water for any purpose or use whatever, without having previously contracted for the same with the said president and managers, shall forfeit and pay, for every such offence the sum of three dollars, to the said president and managers, to be recovered before a justice of the peace, in the same manner as debts of equal amount are now recoverable:

Proviso. *Provided*, That nothing herein contained shall be construed to compel the inhabitants of said town to use the water so introduced by said company, or to prevent them from using water obtained in any other way.

Penalty for injuring works, or corrupting water. And any person or persons who shall wilfully destroy or injure, in any manner, the pipes, cisterns, aqueducts, reservoirs, machinery, buildings, hydrants, or any of them, or any of the works of said company, or shall wilfully corrupt or otherwise render unwholesome the water brought or conveyed, or to be brought or conveyed into the town of Bethlehem by the said company, or the stream or streams, spring or springs, from which the same is brought, or to be brought, shall, upon conviction before a justice of the peace, be deemed guilty of malicious mischief, and be liable, moreover, to the company for damages sustained by such injury.

Contingent fund. SECTION 8. That the said president and managers, whenever the debts of the said company shall have been paid, and the income shall exceed the expenses of the company, may, if they deem it advisable, collect a contingent fund, not exceeding one thousand dollars, or declare a dividend, not exceeding seven per cent. on the stock paid in, yearly, on the second Monday of January in each year, and shall publish the said dividend, and the place where it will be paid, and shall cause the same to be paid accordingly.

Dividend.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.