

L A W S

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1854,

IN THE

SEVENTY-EIGHTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

1854.

APPENDIX — 1854.

No. 686.

A N A C T

To incorporate the Pure Spring Water Company, of Fogelsville, in the county of Lehigh.

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 Pure Spring water company, that is to say: Ephraim Troxell, Henry Kinckiner, Aaron Walbert, Nathan Klotz, Addison Erdman, Solomon Fogel, Henry J. Haberacker, John Erdel, William A. Helfrich, Simon Troxell, Edwin Kromlich and Henry Mehlhouse, together with such other persons as hereafter may be admitted as members thereof, in the manner hereinafter provided, their successors and assigns shall be and they are hereby made and constituted a body politic and corporate, in fact and in law, by the name, style and title of the Pure Spring water company, and by that name, style and title, shall have continued succession and shall be empowered with all the legal incidents to a corporation aggregate: *Provided,* That the real estate, by them to be held, shall be only such as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to the said corporation, and that no by-law to be made by the said corporation shall be repugnant to the constitution of this State or of the United States, and the capital to be employed shall not, at any time, exceed twenty thousand dollars.

Corporators.

Style.

Proviso.

SECTION 2. That on the first Saturday in January next, and on the same day in each year thereafter, the members of said company, consisting of a president, secretary, treasurer and five managers, who, together, shall constitute a board, and any five of them form a quorum to transact the business of the company, and who shall continue in office one year and until successors shall be chosen, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of election, and until the first election hereby authorized and until successors shall be chosen as herein directed, Solomon Fogel as president, Simon Troxell as secretary, Henry J. Haberacker as treasurer, and Ephraim Troxell, Henry Kinckiner, Addison Erdman, Nathan Klotz and Henry Mehlhouse as managers of the said company, with power to transact all the business hereafter enjoined by the by-laws on the officers of the corporation.

Officers.

General meet-
ings

SECTION 3. That all general meetings of the company shall be held at such times and places as shall be provided for in the by-laws; and in all elections, and upon all questions, arising at a meeting of the stockholders, each stockholder shall be entitled to one vote for every share, *bona fide*, 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, and five dollars shall constitute a share.

Powers of the
board of
managers.

SECTION 4. That the board of managers shall have power from time to time to erect and repair such works as shall be necessary, to supply a sufficient quantity of soft and pure water, to any building in the said village, of Fogelsville, and in case a deficiency in that first introduced from such stream or springs 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 Lehigh; and the president and managers shall at all times, paying damages as aforesaid, have the liberty to renew and repair the pipes and 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 trunks along roads and highways, and along streets and alleys of the said village of Fogelsville, 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 street and public grounds, in the said village of Fogelsville, when it may be deemed 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 one hundred 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 Lehigh, and in every case in which such appeal shall have been taken, like proceedings may be had as in other cases in said court.

Proviso

Hydrants to be
erected.

SECTION 5. That the board of managers shall, in such streets or parts of the said village, of Fogelsville, 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 uses, for such reasonable compensation as shall from time to time be agreed upon by the said company, and said individuals according to certain uniform rates hereafter, to be adopted by said company, having regard to the probable quantity of water which applicants are likely to consume, and the said company 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 Fogelsville shall have been obtained, and any person or person within the said village who shall take any of the said water for any purpose or use whatever, without having previously contracted for the same, with the said company, shall forfeit and pay for every such offence, the sum of three dollars to the said company, to be recovered before a justice of the peace, in the same manner as debts of equal amount are now recoverable: *Provided*, That Proviso. nothing herein contained shall be construed to compel the inhabitants of said village to use the water so introduced by said company, or to prevent them from using water obtained in any other way; and any person or persons who shall wilfully destroy or injure in any way 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 in the village of Fogelsville 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 a malicious mischief, and be liable, moreover, to the company for damages sustained by such injury.

SECTION 6. That the company shall procure a common seal, 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 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 the number of shares held by him or her, as soon as five dollars shall be paid on each 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 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.

SECTION 7. That the said company, whenever the debts of the Contingent fund. corporation shall have been paid, and the income shall exceed the expenses of the company, may, if deemed advisable, collect a contingent fund not exceeding one thousand dollars, or declare a dividend semi-annually, not exceeding ten per centum on the stock paid in, on the second Saturday of January and July in each year, and shall publish said dividend, and the place where it will be paid, and shall cause the same to be paid accordingly.

SECTION 8. That the Legislature reserves the right to alter, Reservation. amend or annul this charter at any time hereafter, should the public good require it: *Provided*, That no injustice shall thereby be done to the corporators.

E. B. CHASE,
Speaker of the House of Representatives.
M. M'CASLIN,
Speaker of the Senate.

APPROVED—The seventeenth day of February, one thousand eight hundred and fifty-four.

WM. BIGLER.