

2411-1
LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1864,

In the Eighty-Eighth Year of Independence.

With an Appendix.



HARRISBURG:

SINGERLY & MYERS, STATE PRINTERS.

1864.

SECTION 3. That the general and ward, or township elections, within said township, shall hereafter be held at the following places, viz: In the North ward, at the red school house, in the village of Bailey Hollow, and in the South ward, at the public house now occupied by Isaac Trace, at Clark's Summit Depot. Places for holding elections fixed.

SECTION 4. That the following persons, namely: Norval D. Green, as judge, John Patrick and Amasa Dean, as inspectors, shall be the officers to hold the township, or ward and general elections, in the North ward; and Hiram Nichols, as judge, and Job A. Northrup and Benjamin W. Reed, shall be the officers to hold the township, or ward and general elections, in the said South ward, until other officers be duly elected in said ward. Officers to hold first election.

HENRY C. JOHNSON,
Speaker of the House of Representatives.

JOHN P. PENNEY,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and sixty-four.

A. G. CURTIN.

No. 705.

An Act

To incorporate the Providence Borough 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 Theodore Vonstorch, S. Bristol, Silas Osterhout, Charles B. Campbell and William Vonstorch are hereby appointed Commissioners. Commissioners.
commissioners, who, with their associates, successors, assigns, and such other persons as may hereafter become associated with them, as stockholders, be and are hereby made and created a body politic and corporate, by the name and style of the Providence Borough Water Company, and by that name, they and shall may have perpetual succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, in all courts and judicatures whatsoever, and, also, contracting, and being contracted with, relative to the business and objects of the said corporation; and they may have a common seal, and may change and alter the same, at pleasure; and shall have power to take and hold such real estate, in fee simple, or otherwise, as may be necessary for carrying out the purposes of said corporation, not exceeding two acres of land; and, in their corporate name, to make, execute and issue, Name. Privileges. Seal. Real estate.

Authorized to
issue obligations,
&c.

Proviso.

Powers.

obligations, created for the purchase money of the same, or for the purchase of machinery, fixtures, or engines, and other necessary effects of said corporation, as may be deemed expedient: *Provided*, That such liabilities shall be created only for the purposes stated in this act.

SECTION 2. That the said company shall have power to provide, erect and maintain all works, machinery and fixtures, necessary, or proper, for making, raising, carrying and introducing, into the borough of Providence, Luzerne county, pure water, and for that purpose may provide, erect and maintain, all proper buildings, cisterns, or reservoirs, for the introduction and reception of the water so introduced; and for this purpose, they are authorized and empowered, by themselves, their agents, engineers, artizans and workmen, to erect fixtures, and take water from any stream running into, or through, said borough, and with their workmen, tools, carts, wagons, horses and cattle, to enter upon lands and enclosures, streets, lanes, alleys, roads, highways and bridges, as may be necessary to occupy, or to obtain necessary materials, for the construction of said works, and to occupy, ditch, and lay pipes along and through any of the said streets, lanes, alleys, roads and highways, and, from time to time, repair the same; and if any damage is done to private property, the said company shall make compensation thereof, in the manner hereafter provided.

Capital stock.

SECTION 3. That the capital stock of said company shall consist of twelve thousand dollars, to be divided into twenty-five hundred shares, of fifty dollars each, and the said company shall have the right to increase their said capital stock, from time to time, as the board of directors shall deem necessary:

Limitation.

Provided, That the capital stock shall not exceed twenty thousand dollars; that the commissioners, before named, or any three of them, after having given notice in at least one newspaper, published in the county of Luzerne, for a period of at least three weeks before the time fixed for opening the books to receive subscriptions, shall proceed to open subscription books, at such place, or places, named in the notice; for which purpose, the books shall be kept open for at least five days, after which time, they may adjourn from time to time, or from place to place, until the necessary amount is subscribed; that when the books are opened, the persons subscribing shall pay to such person, as may be designated by the commissioners, one dollar on each share subscribed; that when five hundred shares are subscribed, the commissioners shall certify the same to the governor, who shall, thereupon, issue his letters patent, constituting and declaring the directors and company a body politic, for the purpose hereinbefore named.

When letters
patent to be
issued.

Organization.

SECTION 4. That the commissioners, on the receipt of the letters patent, shall elect, from the stockholders, five directors, one of whom shall be the president, treasurer and secretary, to be designated by the directors, to hold their offices until the first day of January, Anno Domini one thousand eight hundred and sixty-five, at which time the stockholders shall meet, at a place designated, and elect a president, five direc-

Election of officers.

tors, a treasurer and secretary, to serve for one year; and annually thereafter, shall elect a like set of officers, to serve for a like period.

SECTION 5. That the said company shall have the authority to make and adopt such by-laws, rules and regulations, as they may deem proper: *Provided*, That the same do not conflict with the constitution and laws of this commonwealth. By-laws.

SECTION 6. That whenever the parties cannot agree upon the damages claimed for lands, or materials, taken by the Providence Borough Water Company, in the prosecution of their work, the company may tender a bond, and proceed in all respects as provided in the second section of the act of assembly, entitled "A supplement to the act incorporating the Pennsylvania Coal Company," approved seventh March, Anno Domini one thousand eight hundred and forty-nine. Mode of settling damages.

SECTION 7. That the president and directors shall procure printed certificates of stock, which, on being signed by the president and treasurer, and sealed with the corporate seal, shall be delivered to each stockholder, transferable at his pleasure, on the same, subject, however, to all payments due, and to become due, thereon; and when such assignment shall have been made, and entered upon the books of said company, the holder shall become a member of said company; and in every election, the stockholders of the said company shall be entitled to one vote for each share of stock, by him, or them, held: *Provided however*, That no assignee, or transferee, shall be entitled to vote at any regular, stated or special meeting of the company, unless his certificate of transfer has been entered upon the books of the company, three days before such meeting or election. Certificates of stock.
Transferable.

SECTION 8. That if any original subscriber, or his assignee, shall refuse, or neglect, to pay any instalment, called for by said company, at the place appointed, and the same shall remain unpaid for thirty days, after the time appointed, he shall, in addition to the instalment called for, pay at the rate of one per centum per month, for delay; and in case the delay should extend so long, that the penalty shall absorb or equal the amount, paid in by the said stockholder, or assignee, it shall be in the power of said company to forfeit all payments, and stock, to be disposed of, by the said company, as will best promote their objects and interests. Penalty for refusal, or neglect to pay instalments.

SECTION 9. That the said Providence Borough Water Company shall organize, and commence the construction of their work, before the first day of January, one thousand eight hundred and sixty-five, and complete the same, within five years from that date, and shall pay into the state treasury a tax of one-half of one per centum upon the capital stock, in four quarterly payments. When work to be commenced and completed.
Tax to state.

HENRY C. JOHNSON,
Speaker of the House of Representatives.

JOHN P. PENNEY,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and sixty-four.

A. G. CURTIN.