

same, by putting up one or more printed or written notices on the premises on each side of the river, containing a specification of the size, dimensions and materials of which said lock or locks are to be built.

Time for construction extended.

SECTION 2. The time for the building or construction of said lock or locks, is hereby extended to the first day of April, one thousand eight hundred and forty-five, after which, in case said lock or locks shall not have been built according to the provisions of said act, and this supplement, it shall be lawful for any person or persons interested in the navigation of said river, to proceed as is authorized by said act, either by opening a sufficient schute or channel on the Fayette county side of the river, by indictment for nuisance, or by action against the owner or owners of the mill or mills on either side of said river, for damages sustained by reason of said obstruction, or by unnecessary detension; and the remedy may be by action of trespass before justices of the peace, in all cases where the amount claimed shall not exceed the jurisdiction given by existing laws in actions of trespass: *Provided*, That the measure of damages shall not exceed the actual expense incurred by owner or owners of boats during the period of such detension.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 183.

AN ACT

To incorporate the Northern Liberties gas company.

Corporators.

Name.

Liberties and privileges.

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 all those persons who, at the time of the passage of this act, are the proprietors of the capital stock of the Northern Liberties gas works, under the ordinance of the commissioners and inhabitants of the incorporated district of the Northern Liberties, entitled "An Ordinance for the construction and management of the Northern Liberties gas works," passed the fifteenth day of March, in the year one thousand eight hundred and thirty-eight, and the several supplements thereto, shall be and their successors and assigns are hereby created and made a corporation and body politic, by the name, style and title of the "Northern Liberties gas company," and by the same name shall have perpetual succession; and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and to purchase, have, hold, receive, possess, enjoy and retain to them and their successors, lands,

tenements and hereditaments, goods, chattels and effects, of whatsoever kind, nature or quality, and the same, from time to time, to sell, grant, demise, alien or dispose of; to make and have a common seal, and the same to alter and renew, at their pleasure; to make by-laws, not contrary to the constitution and laws of the United States and of this state, and generally to have, and be invested with the duties, powers, rights and privileges, which by the laws of this commonwealth, belong to corporations.

SECTION 2. That the joint stock, and all the lands, tenements and Property vested
hereditaments, goods, chattels, moneys, debts and other property, real in corporation.
or personal, now belonging, or due and payable, or to become due and payable to or held by any person or persons, or body politic, in trust for the said Northern Liberties gas works, shall be, and the same are hereby respectively transferred to and vested in the corporation hereby created; and all contracts made with said Northern Liberties gas works, or with any person or persons, or body politic, for their use, shall enure and operate to the benefit of, and be performed to and with the said corporation; and the said corporation shall be and they are hereby made liable to the payment of all moneys due or to become due from and to Liability.
the performance of all contracts entered into by the trustees of the said Northern Liberties gas works; and the commissioners and inhabitants of the incorporated district of the Northern Liberties shall not, in any way, be liable for any engagements or debts of the Northern Liberties gas company.

SECTION 3. That the capital stock of the said corporation shall not Capital.
exceed two hundred thousand dollars, divided into shares of twenty-five dollars each, and the present capital stock of the said gas works, may at any time or times be increased to that amount by the sale of shares to any person or persons, at the discretion of the trustees: *Provided*, That the said increase of capital shall be appropriated, solely to the improvements and extension of said works and pipes, within the district of the Northern Liberties.

SECTION 4. That Joseph Reakirt, Augustin Stevenson, Joseph Gratz, Trustees.
Robert V. Massey, Peter Weyant, Edward D. Martin, Isaac Hays, Charles W. Bacon, Alexander Browne, Joseph Trotter, Jacob S. Mintzer and Theophilus T. Derringer, the present trustees of the said Northern Liberties gas works, shall be the trustees of the said corporation until their successors are duly elected, in the manner hereinafter provided.

SECTION 5. That annually hereafter, at their stated meetings in May, Annual election
the board of commissioners of the incorporated district of the Northern Liberties, shall elect by ballot, two citizens of the Northern Liberties of trustees.
to serve as trustees for the term of three years, in the place of those whose term of service shall have expired; and the stockholders of the said company shall annually, on the second Tuesday of May in every year, at such place as the trustees for the time being shall appoint, notice of which shall be given at least ten days previous to the election, in at least two of the daily newspapers published in the city of Philadelphia, shall elect out of their own number, two persons to serve as trustees for the term of three years, in the place of those whose term of service shall have expired; and in case such election by the said board of commissioners, or the said stockholders, on the day herein specified, do not take place for any cause, such election shall be held on such subsequent day as may be appointed by the said board of commissioners and the trustees for the time being, respectively; due notice of the time and place of such election by the stockholders, being given,

as is herein before provided ; and the trustees in office shall continue in such case, until their successors are duly elected. The present trustees shall continue in office until the term for which they shall have been respectively elected, under the provisions of the ordinances of the commissioners and inhabitants of the incorporated district of the Northern Liberties herein before referred to, shall have expired, and their successors duly elected as aforesaid.

Votes. **Election, how held.** SECTION 6. That in the election of trustees by the said stockholders, each and every share of stock shall be entitled to one vote ; and it shall be the duty of the trustees, for the time being, to select three suitable persons to act as judges of the election for trustees, and those persons who shall receive the highest number of votes shall be declared elected by said judges as trustees of the said corporation ; not more than two members of the said board of commissioners shall be trustees at any time ; and any vacancies which may occur by death or resignation, or otherwise, from the number elected by the said commissioners, shall be filled by special elections to be held by the said commissioners ; and any vacancy that may in like manner occur in the number elected by the stockholders, shall be filled by the board of trustees.

Quorum. **President, officers, &c.** SECTION 7. A majority of the whole number of the said trustees shall be a quorum for the transaction of business ; they shall choose out of their own body a president, and the election of president shall take place in each succeeding year, at the meeting next after the election of trustees ; they may appoint such other officers, superintendents and agents as they may deem necessary : the president shall in all cases have a right to vote.

Management and business. SECTION 8. The said trustees shall have the management of all the affairs of the said company, and it shall be their duty to construct and maintain suitable works for the manufacture of carburetted hydrogen gas from bituminous coal, and other substances, for the purpose of public and private illuminations ; and whenever applications in writing shall be made by the owners or occupiers of property upon any street, or parts of streets within the district of the Northern Liberties, or dividing the same from any adjoining district, the amount of which, in the judgment of the said trustees, shall be sufficient to yield a net profit to the company equal to six per cent. interest upon the expense of conveying and distributing the same, they shall cause to be laid pipes along such street or streets or part of such street or streets, for the purpose of lighting the same : *Provided however,* The trustees shall not be required to exceed their capital, or expend more than twenty thousand dollars in permanent improvement in any one year : *And provided further,* That whenever the public highways of the said district are broken up or disturbed by means of the introduction of the pipes for the distribution of gas, the same shall, as soon as practicable, be repaired by the trustees at their own cost and expense, under the direction of the superintendent of highways or other agent appointed by the commissioners of the said district.

Powers. **Proviso.** SECTION 9. The said trustees are hereby vested with all the powers necessary for the construction and maintenance of the said works : *Provided,* That no contract shall be entered into or expenses incurred, to exceed the amount of the capital stock of the said company ; that no trustee, superintendent or agent of the said company, shall be either directly or indirectly concerned or interested in any contract or engagement for doing work or labor, or furnishing or providing materials ; the said trustees shall from time to time, prepare and submit to the commissioners of the incorporated district of the Northern Liberties, for

their approbation, rules and regulations under which gas may be furnished to private consumers, and to the public lamps wherever gas pipes may have been laid; which lamps shall be supplied at one-half the price paid by private consumers: *And provided also*, That the trustees shall make no contract with the districts adjoining the Northern Liberties, nor with citizens thereof, that shall interfere at any time with an ample supply of gas to the said district: *And provided also*, That all lamps used at the public expense of the said district, shall be deemed public lamps.

SECTION 10. The said trustees shall keep accurate accounts of their Receipts and disbursements, and report the same, together with a statement of their proceedings, to the commissioners of the Northern Liberties, annually, in the month of January, and give such other information as may from time to time be required by the said commissioners; they shall make such regulations in regard to the transfer of the stock of the said company, and the payments of instalments thereon by the subscribers to the stock, as they may deem best; and shall semi-annually, on the first Mondays of February and August, declare a dividend of the nett profits arising from the manufacture and sale of gas and other products, among the stockholders.

SECTION 11. It shall and may be lawful for the commissioners of the incorporated district of the Northern Liberties, at any time after the first day of July, in the year one thousand eight hundred and sixty-five, to take possession of the works of said company, and convert the stock of the said company into a loan, redeemable in fifteen years from the date of such conversion, bearing interest at the rate of six per cent. per annum, payable half yearly.

SECTION 12. Any person or persons who shall wilfully open a communication into the street gas, main, or other gas pipe of said company, without authority from the said trustees, or who shall wilfully let on the gas after it has been stopped by order of the said trustees for repairs or other purposes, or who shall put up any pipes or burners, in addition to the pipes or burners originally put up and inspected, or introduce gas into them without authority as aforesaid, shall be subject to a penalty of not less than ten or more than fifty dollars, for each and every such offence, one-half to be paid to the informer and the other half into the treasury of the district of the Northern Liberties; said penalty to be recoverable as debts of like amount are by law recoverable before any alderman of the city or county of Philadelphia.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.