she shall henceforth be called and known by the name of Adaline Shelly, and by that name shall be able and capable in law to sue and be sued, grant, receive, take and inherit any estate, real or personal, and to do all other legal acts as effectually, to all intents and purposes, as she could have done by her former name if no change had been made therein.

WILLIAM F. PACKER,
Speaker of the House af Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

Approved—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 181.

AN ACT

To incorporate the Pittsburg gas company.

Whereas, The select and common councils of the city of Pittsburg did, by ordinance passed seventeenth April, one thousand eight hundred and thirty-five, establish the Pittsburg gas works, and by various ordinances supplementary thereto, have authorized the subscription and payment on behalf of the city, of six hundred and ninety-eight shares of the capital stock thereof—have increased the amount of such capital stock to the sum of two hundred and fifty thousand dollars, and have extended the powers of said works as far as by the authority of said councils can be effected: **Preamble.**

And whereas, Petitions signed by Thomas Bakewell, Morgan Robertson, Joseph Pennock, James Thompson, George Ogden, George W. Jackson, Samuel W. Caskey, Alexander Black, Joshua Hanna, James B. Murray, C. Anchutz and others, on behalf of the holders of stock in the said gas works, have been presented to the legislature praying for an act of incorporation for themselves and their associates, for the purpose of rendering the organization of said company more efficient; now, therefore, **Preamble.**

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 persons who now are, or who may hereafter become stockholders in said company, shall be and they are hereby created a body politic and corporate in fact and in law, by the name and style of "The Pittsburg gas company;" and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded in all courts and judicatories whatsoever; and also of contracting and being contracted with, relative to the funds of the said corporation, and the business **Powers.**

and the purposes for which the said corporation is created as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors shall have power to lease or purchase, in fee simple, such real estate as may be necessary for carrying on the business.

Objects. SECTION 2. That the corporation hereby created, is so created for the purpose of supplying with gas light, the cities of Pittsburg and Allegheny, and such individuals residing therein as may desire a supply of the same, and for distributing and selling gas, coke, tar, and other products of distillation from coal, and for making and erecting the necessary apparatus for manufacturing, distributing and introducing the same, and constructing the requisite buildings and machinery, and purchasing or preparing the necessary materials, and for no other purpose whatsoever; and the said company is hereby authorized to supply Lawrenceville, Birmingham, and other surrounding places, including the city districts.

Capital. Shares. Increased. Proviso. SECTION 3. That the capital stock of the said company shall be two hundred and fifty thousand dollars, to be divided into five thousand shares of fifty dollars each, including the capital stock now paid in, which may be increased to the sum of three hundred thousand dollars by the decision of the subscribers, at a general meeting to be called for that purpose, and on such terms as the trustees may ordain and determine: *Provided*, That the consent of the select and common councils of the city of Pittsburg be previously obtained for such increase.

Trustees. How chosen. Term. First election. Annual election. Voters. Vacancies. Notice. Proviso. Proviso. SECTION 4. That the management and control of the Pittsburg gas works shall be vested in twelve citizens of Pittsburg, who shall be denominated "trustees of the Pittsburg gas works," and shall be chosen in the following manner:—At the stated meeting of the select and common councils of the city of Pittsburg, in the month of August annually hereafter, each of the said councils shall choose one citizen of Pittsburg, who shall not be at the time of his election a holder of stock in the gas works, to serve as trustee of the said works for the term of three years, in the place of those whose term of service expires; and any vacancy that may occur by death or resignation, shall be filled by special election, to be held by the body in whose delegation such vacancy may occur; and on the first Monday in September next, the individual stockholders of the Pittsburg gas works shall meet at the office of the works, and between the hours two and five, P. M., shall elect, by ballot, six citizens to serve as trustees, two of whom shall serve for one year, two for two years, and two for three years, or until their successors are chosen; and on the first Monday of September in each succeeding year, an election shall be held as above specified, at which two citizens shall be chosen trustees to serve for three years in the place of those whose term shall expire; and also to fill any vacancy that may have occurred in the delegation from the stockholders during the previous year: at all elections by the stockholders, each share of stock shall be entitled to one vote; but no vote shall be received on any share of stock on which any instalment is due and unpaid: in case any vacancy shall occur in that portion of the board of trustees elected by the stockholders, it shall be supplied until the next election, by a citizen selected by the balance of the trustees so chosen: two weeks' notice shall be given in at least two newspapers of the city, of the time of holding such election, which shall be held under the direction of the trustees appointed by councils: *Provided*, That if an election be not held on the day above named, that this charter shall not be forfeited; but the trustees shall continue to act until others are chosen, which shall be within one month from the said first Monday in September: *And provided further*, That the present trustees, who were elected and appointed under the provisions of the ordinance of the councils of the city of Pittsburg, of twenty-eighth June, one thousand eight hundred and forty-seven, shall serve until the expiration of the terms for which they were respectively chosen and appointed, unless their seats may be vacated by death, resignation, or removal from the city, in which case the vacancies shall be filled as herein provided; that is to say, the term of office of the six trustees chosen by the stockholders, shall terminate on the first Monday in September next; and the term of office of one of the trustees appointed by each of the city councils, shall expire on the last Monday in August, in each of the years one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, and one thousand eight hundred and fifty, respectively.

Meeting of trustees.

Powers and duties of.

SECTION 5. That the said trustees shall meet within three days after the election, on the said first Monday in September, and shall choose, by ballot, from their own body, a president and secretary, who shall discharge the duties usually performed by those officers, and shall serve for one year, or until a new election shall take place: seven trustees shall constitute a quorum for the transaction of ordinary business; but no contract for the purchase of pipes or materials, exceeding the amount of one thousand dollars, shall be entered into, nor any extension of mains exceeding five hundred feet be directed, nor any dividend of profits be declared, nor any alteration in the price of gas made, nor any increased subscription of capital stock authorized, without the presence and concurrence of three-fourths of the board of trustees: the said trustees shall also have power to call meetings of the stockholders, whenever in their opinion, it shall be desirable, at which meetings the president and secretary of the board shall act in similar capacities; and the said trustees shall also have power to adopt by-laws for their own government in the conduct and management of the business of the board and the works: *Provided*, Such by-laws shall not be inconsistent with the constitution and laws of the United States, or of this state; and the said trustees, or their agents, are hereby authorized to open any of the streets and alleys of the city of Pittsburg, for the purpose of laying pipes therein, and introducing a supply of gas from such pipes: *Provided*, That such openings in the streets shall be closed, and the pavements replaced thereon without unnecessary delay, and in such manner as to be satisfactory to the councils, or the street committee thereof.

Proviso.

Proviso.

Powers.

SECTION 6. That the aforesaid trustees be and they are hereby vested with the powers necessary for the maintenance of the gas works, and for the purpose of carrying the same into effect, are hereby empowered to purchase materials, make contracts, and employ such engineers, workmen or agents, as they may deem necessary, and regulate their compensation from time to time: *Provided*, That no contracts shall be entered into, or expenses incurred, to exceed the amount of the subscriptions for the construction of the works; the trustees shall declare semi-annual dividends on the second Mondays of January and July in every year, of so much as they may deem expedient of the net profits arising from the gas works, after deducting all expenses of manufacture, rent of lot, repairs of works, salaries of officers, and other incidental charges; which dividend shall be paid to the stockholders or their legal representatives, at the office of the works, within ten days after its declaration, of which due notice shall be given by the trustees: *Provided*, That all profits that may arise ower ten per cent., shall be expended in the extension of the main pipes, according to the direction of the councils of the city of Pittsburg: *And provided also*, That no dividend shall be paid to any stockholder who is indebted to the works, nor on any

Proviso.

Dividends.

Excess of profits.

Restrictions.

stock on which any instalment shall be due and unpaid; nor shall any dividend be declared that shall impair or reduce the capital stock of the works; the said trustees shall also have power to regulate the price of gas to be furnished to private consumers and to the public lamps, both in the city of Pittsburg and Allegheny, and to prescribe and adopt rules and regulations for the supply thereof, subject to the approbation of the councils of the city of Pittsburg: *Provided*, That the public lamps in said cities shall be erected and kept in order at the expense of the city in which they shall be erected, and that the gas consumed in the public lamps in Pittsburg shall not be charged more than three-fifths of the price charged to private consumers; all ordinances and regulations relative to the protection of the works, mains, lamps and other fixtures, from accident or mischief, shall be continued in force, as shall also those ordinances and regulations directing the speedy repair of the streets, after opening to lay pipes, or forbidding the interference of the gas pipes with the water pipes, or prohibiting any nuisance from the gas works; the trustees shall within one month before the time of appointing trustees, lay before councils a full report of their proceedings during the previous year, and submit the same to the stockholders at the time of the annual election.

Public lamps.

Report.

SECTION 7. That the trustees shall appoint a competent citizen as treasurer of the gas works, who shall give bond in such sum as the trustees shall require, being not less than twenty thousand dollars, for the faithful performance of his duty, with two sufficient sureties, who shall be jointly approved by the trustees and the finance committee of councils, and who shall be paid a reasonable compensation for his services; the said treasurer shall hold his office until his successor is appointed, and shall discharge such duties as the board of trustees may from time to time declare and appoint.

Treasurer.

SECTION 8. That the trustees shall keep open the subscription books at the office of the works, or such other place as they may think proper, to receive subscriptions for stock not exceeding one thousand shares; five dollars shall be paid on each share at the time of subscribing, and the balance in such instalments as the trustees may require for the extension of the works; and if any stockholder shall refuse or omit to pay the instalments on the stock held by him, for two months after public notice, by advertisement in two newspapers of the city of Pittsburg, of the requirement of such payment by the trustees, the previous payments made by such stockholder, and all his interest in said stock, may be forfeited to the company; and the said trustees are hereby authorized, if they consider it advisable, to dispose of any of the said stock, in payment of pipes, castings and other articles and materials necessary for the extension of the mains and enlargement of the works: *Provided*, That such stock shall not be sold for less than the par value thereof; and the trustees are further authorized to open books for the additional subscription of the balance of the stock, whenever the full amount of the preceding one thousand shares shall have been vested in extensions and improvements; such additional stock to be taken and subscribed upon the same terms as are specified in the preceding part of this section.

Books.

Instalments.

Proviso.

SECTION 9. That the mayor, aldermen and citizens of Pittsburg are authorized to hold the amount of stock for which they have at various times subscribed, or to which they are entitled, under the sanction of the ordinances of the select and common councils; and that the said councils are hereby further authorized, if they shall think it expedient, at any time to convert the lots now occupied by the gas works, into gas stock, at such rates as may be agreed upon; the stock issued for

City stock.

the same being entitled to the same dividend of profit as other stock, and that in case the city of Pittsburg shall become possessed of any other lots which the trustees of the gas works shall deem important for the works, that they may in like manner be exchanged for stock: *Provided*, That until such transfer be made by the city, the gas works shall pay rent for the lots occupied by them as heretofore. **Proviso.**

SECTION 10. That the mayor, aldermen and citizens of the city of Allegheny are hereby authorized to subscribe for and hold such amount of stock in the said gas works, as may be requisite for defraying the expense of introducing the gas into the said city, and conveying it through the streets thereof; and whenever the said city has subscribed to and paid in stock to the amount of ten thousand dollars, the councils thereof shall appoint one additional trustee to the board of said works, to serve for three years, or until his successor is appointed, who shall exercise the same powers as are by this act vested in any of the other trustees of said works. **Allegheny city may subscribe.**

SECTION 11. That when payments are made in full on each share, the trustees shall procure certificates or evidences of stock, and shall deliver such certificates, signed by the president and countersigned by the secretary or treasurer, to each person who may have subscribed for stock, or to his legal representative; which certificates shall be transferable by the holder or his attorney, at the office of the works, in the presence of the president or treasurer, under such regulations as may from time to time be adopted by the board of trustees; and all those persons who held stock in the gas works previous to first of August, one thousand eight hundred and forty-seven, shall be entitled to receive similar certificates: *Provided*, That they surrender the certificates they then held, and shall release the city of Pittsburg from any claim for interest on said certificates, or any other claim arising out of the said gas stock, or certificate thereof, further than are recognized in the various provisions of this act. **Certificates.** **Proviso.**

SECTION 12. That no portion of this act shall be so construed as to relieve either the city councils or the trustees from the fulfilment of any contract existing between them, and arising out of the ordinance passed by councils on the twenty-eighth June, one thousand eight hundred and forty-seven, or any other ordinance on the subject. **Contract under city ordinance.**

SECTION 13. That this act of incorporation shall continue and remain in force for twenty years after the date hereof: *Provided*, That the right to alter, annul or revoke the charter hereby granted, is reserved to the legislature, on condition, however, that such right shall not be exercised to the injustice of the incorporators: *And provided*, That on the first day of August, one thousand eight hundred and sixty-seven, or on the first day of August in any fifth year subsequently, the councils shall have the right to purchase the whole amount of the stock held in the gas works at that time by individuals, on just and equitable terms; and if the trustees and the councils cannot agree upon the value of said works, then the question shall be referred to four disinterested individuals, two to be chosen by the councils and two to be chosen by the stockholders, at a special meeting to be held for that purpose, which four shall jointly choose an umpire, and the decision of said arbitrators shall be binding on both parties: *Provided*, That the councils shall make known their intention to purchase the works, at least six months before the stipulated time above referred to. **Limitation.** **City empowered to purchase.**

SECTION 14. That the company hereby incorporated shall not engage, directly nor indirectly, in any banking transaction or concern, nor in any manufacturing or other concern whatsoever, except such as they are by this act expressly authorized to engage in; nor shall this act be **Restraining clause.**

so construed as to grant to the said company any exclusive privilege to exercise the rights and powers herein conferred.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 182.

AN ACT

To incorporate the Western Pennsylvania hospital.

Preamble.

WHEREAS, A number of the citizens of this commonwealth, actuated by a sense of religious duty, and the benevolent disposition to extend aid, comfort and relief to indigent and afflicted humanity, have made large voluntary contributions in money and real estate, with the view to the foundation and endowment of a public hospital, to be appropriated for the reception and care of the insane and afflicted, as well as the sick, helpless and infirm; and the contributors having formed themselves into an association for the above object, have now, by the petition of their board of managers to the senate and house of representatives, prayed for the passage of an act of incorporation; therefore,

Contributors incorporated.

Style.

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 managers, elected by the contributors, together with their president, vice presidents and other members and contributors to the above mentioned charitable association, be and they are hereby made and constituted a body politic and corporate, in law and fact, under the name, style and title of "The Western Pennsylvania hospital," and shall have and enjoy all the rights, powers and privileges incident by law to a corporation, for the purpose of establishing, maintaining and managing an hospital for the reception and care of the insane and afflicted, as well as the sick, infirm and helpless.

Government vested in a board of managers.

SECTION 2. That the control, government, management and domestic economy of the said institution, and of the business and concerns of the hospital, shall be vested in a board of twenty-one managers, (eleven of whom shall be a quorum for the transaction of business,) who shall be elected at the first annual election under this act, on the third Tuesday of April next, one-third of whom shall be for one year, one-third for two years, and one-third for three years; and at their first meeting thereafter, the said board shall elect from their own number a president,