

LAWS OF PENNSYLVANIA,

pose, after due notice to the several stockholders published in two newspapers in Philadelphia, and one in Schuylkill county, two weeks prior to the meeting.

E. B. CHASE,
Speaker of the House of Representatives.

M. M'CASLIN,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 130.

AN ACT

To incorporate the Tamaqua Gas Company.

Corporators.

Style.

Privileges.

Object.

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 Robert Ratcliffe, Reuben A. Heaton, John Hendricks, John Johnson, Benjamin T. Hughes, S. Morganroth, W. W. M'Guigan, John S. Boyer, James Carter, P. W. Ash, William Prieser, and their associates, or persons who shall become stockholders, be and the same are hereby made and constituted a body politic and corporate, by the name and style of the Tamaqua 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 of law or equity within this Commonwealth and elsewhere; and also of contracting and being contracted with relative to the business and objects of the corporation as hereinafter declared; and they and their successors as aforesaid, shall have power to lease or purchase in fee simple, such real estate as may be necessary for carrying on the business of said corporation.

SECTION 2. That the corporation hereby created, is so created for the purpose, and for such purpose shall have authority of supplying with gas light the borough of Tamaqua, in the county of Schuylkill, and such individuals residing therein and immediate vicinity, as may desire a supply of the same, and for distributing and selling gas for the production of artificial light, and for making and erecting the necessary apparatus for manufacturing and introducing the same, and constructing the requisite buildings and machinery, and purchasing and preparing the necessary materials, with the right to enter upon any of the public streets, lanes, alleys and side-walks in the borough of Tamaqua and vicinity, for the purpose of laying pipes for the distribution of gas, as the company may deem necessary, and may enter into such lands and enclosures as may be necessary, and dig trenches through and across them for the same purpose,

doing as little damage as possible to private property, and paying for whatever injury may be done by them; and if the parties cannot agree on the amount of damages, the same shall be assessed by three disinterested men on oath, to be appointed by the court of common pleas of Schuylkill county, on the application of either party; and the said company shall have the like privileges as to re-laying or taking up or repairing the said pipes, as often as the same may be necessary: *Provided*, That the said company shall fill up said trenches, and restore the said streets, lanes, alleys and side-walks, and the private property as aforesaid, as near as may be to the same condition as they were respectively in before the said trenches were dug, at the proper cost and expense of the said company. Proviso.

SECTION 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into ten hundred shares of fifty dollars each, with the right to increase said capital stock from time to time, as the board of directors of said company shall deem necessary: *Provided*, That the whole capital stock shall not, at any time, exceed seventy-five thousand dollars. Capital stock. Proviso.

SECTION 4. That the managers of this company are hereby authorized and empowered, should the same be deemed necessary, to borrow any sum or sums of money in their corporate capacity, not exceeding ten thousand dollars, for the purpose of aiding them in the construction of their works; and to secure the payment of the same, shall make and execute a mortgage or mortgages, pledge or pledges of the property and effects of said corporation, or give such other evidences of indebtedness as may be agreed upon; and the said managers shall provide for the payment of the interest upon any loan made under this section out of the receipts for gas, before any dividends shall be paid to the stockholders: *Provided*, That no bond, certificate, or other evidence of indebtedness shall be issued by said company, for a less sum than one hundred dollars. Authority to borrow money. Proviso.

SECTION 5. That the management and control of the Tamaqua gas company shall be vested in the persons named in the first section of this act, until the period herein fixed for the regular election of directors of said company, who shall choose from their numbers a president, treasurer and secretary, who shall meet from time to time, and at such places within said borough as a majority of them may deem necessary, for the purpose of receiving subscriptions to the capital stock of said company; and that the stockholders of said company shall meet annually on the first Monday in May, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall select from their numbers as aforesaid, a president, secretary and treasurer for said company: the notice of such elections for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company; and the number of votes that each stockholder shall be entitled to at such election, shall be according to the number of shares owned by such stockholder, to wit: For each share not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every five shares above ten shares, one vote; and no share shall confer a right of voting, which shall not have been holden one calendar month prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his or her own right, or in the right of his wife, or Management and control.

for his or her sole use and benefit, as an executor, administrator, trustee or guardian, or in the right and for the use of some co-partnership, corporation or society, of which he or she may be a member.

Certificates to be
procured.

SECTION 6. That the said company shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary and sealed with the common seal of said corporation, to each person for such share or shares of stock as are by him or her respectively owned, which certificates of stock shall be transferrable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the corporation for that purpose.

Meetings of direc-
tors.

SECTION 7. That the board of directors of said company, shall meet at such times and places as shall be provided in the by-laws of said company, five of whom shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to purchase lands for the gas works and erect the same, to appoint all officers and employ such assistants as shall be necessary to carry out the objects of this corporation, to direct what orders shall be drawn upon the treasurer, which shall be signed by the president and countersigned by the secretary, to fix all salaries and rates for the use of the gas, to enact by-laws for the proper regulation and government of said corporation, and generally to do such matters, acts and things as by this act and the by-laws of such corporation they are authorized to do.

Dividends.

SECTION 8. That the board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Mondays of June and December of each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Penalty for con-
necting with gas
main or other
pipe.

SECTION 9. That if any person or persons shall open a communication into the gas, main or other gas pipe of said company, without authority from the street inspector or other authorized agent of said company, or shall let on the gas after it has been stopped by order of said inspector or authorized agent of said company, for repairs or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them the gas without authority aforesaid, he, she or they shall be subject to a penalty of not less than five nor more than fifty dollars, to be recoverable before any justice of the peace as debts of a like amount are by law recoverable, one-half to be paid to the informer and the other half to said company.

Penalty for injury
to works.

SECTION 10. That if any person shall wilfully or maliciously do or cause to be done any act or acts whatever whereby any building, construction or works of said company, or any gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be therefor indicted in the court of quarter sessions, and on conviction thereof shall be punished by fine not exceeding five hundred dollars or be imprisoned not

exceeding one year, or both in the discretion of the court: *Provided*, That such criminal prosecution shall not in any way *Proviso* impair the right of said company to a full compensation in damages by civil suit.

SECTION 11. That the price of gas furnished by said com- *Price of gas regu-*
pany shall be so regulated, as that the dividends upon the capi- *lated.*
tal stock of said company shall never exceed ten per cent. per
annum.

SECTION 12. That the Legislature may at any time alter, *Reservation.*
amend or repeal the privileges hereby granted: *Provided, how-*
ever, That no injustice be done to the corporators.

E. B. CHASE,

Speaker of the House of Representatives.

M. MCASLIN,

Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hun-
ded and fifty-four.

WM. BIGLER

No. 131.

AN ACT

Erecting a third Ward of the borough of Easton, in the county of Northampton.

SECTION 1. *Be it enacted by the Senate and House of Represen-*
tatives of the Commonwealth of Pennsylvania in General Assem-
bley met, and it is hereby enacted by the authority of the same, That
all that part of the borough of Easton, in the county of Nor- *West ward erec-*
thampton, west of the middle of Juliana street and south of *ted.*
the Bushkill creek, be and the same is hereby erected into a
separate ward, which shall be called "West Ward"

SECTION 2. That the said ward shall be a separate election *West ward made*
district, and elect two justices of the peace, one constable, one *a separate elec-*
judge and two inspectors of elections, and such other officers *tion district.*
as are elected by either of the other wards in said borough, and
shall vote for all borough officers under the same regulations as
the electors of the other wards of the said borough may by law
vote for.

SECTION 3. That the first election for the officers of the said *Time for holding*
ward and for borough officers as aforesaid, shall be held on the *first election.*
third Friday of March in the present year, and annually there-
after at the same time that the other ward and borough elec-
tions are held in said borough, and that the place for holding
such election, and all the general and special elections in and
for said ward, shall be the public house now occupied by David
S. Smith, in said ward, and that the said election shall be held
and conducted by Owen Reich and John Stotzer, inspectors,
and Charles Simons, judge, who shall have all the powers and
perform all the duties, and be subject to all the regulations pre-
scribed by law for judges and inspectors of elections, and it