

## SENATE....No. 44.

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### Commonwealth of Massachusetts.

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IN SENATE, Jan. 27, 1854.

ORDERED, That the Committee on Manufactures be instructed to consider the expediency of passing a General Act for the establishment of Gas Companies.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

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HOUSE OF REPRESENTATIVES, Jan. 28, 1854.

Concurred.

WILLIAM STOWE, *Clerk.*

## Commonwealth of Massachusetts.

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IN SENATE, Feb. 14, 1854.

The Joint Committee on Manufactures, to whom was committed the Order of January 27th, instructing the Committee to consider the expediency of a General Law for the establishment of Gas Companies, Report that it is inexpedient to legislate thereon.

Per order,

JAMES HASKELL, *Chairman.*

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[Mr. DAVIS moves to amend the foregoing Report, by substituting therefor the following Bill:—]

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## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Four.

### AN ACT

Concerning Gas Light Companies.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Any number of persons, not less than  
2 three, who shall, by an agreement in writing, asso-  
3 ciate themselves together for the purpose of making  
4 and selling gas, for lights in any town or city within  
5 this Commonwealth, and who shall comply with  
6 the provisions of this act, shall, with their succes-  
7 sors and assigns be, and remain a body politic and  
8 corporate, with all the powers and privileges, and sub-  
9 ject to all the duties, liabilities, and restrictions set

10 forth in the thirty-eighth and forty-fourth chapters of  
11 the Revised Statutes.

1   SECT. 2. Any corporation formed under this act,  
2 may take any name, not being the name then borne  
3 by any other corporation within this State; and the  
4 name of every such corporation shall be distinctly  
5 stated in the articles of association.

1   SECT. 3. The amount of the capital stock of every  
2 such corporation, and the par value of the shares,  
3 shall be fixed and limited by the stockholders in their  
4 articles of association; and the capital stock shall in  
5 no case exceed two hundred thousand dollars.

1   SECT. 4. Before any corporation formed under  
2 this act shall commence business, a copy of the arti-  
3 cles of association, with the names and residences of  
4 the stockholders, and the number of shares held by  
5 each, appended thereto, attested and sworn to by the  
6 president and clerk, shall be published in some news-  
7 paper printed in the town or city in which such cor-  
8 poration shall be situated; or, if no newspaper shall  
9 be printed in such town or city, the same shall be  
10 published in some newspaper printed in the same  
11 county; or, if no newspaper shall be printed in said  
12 county, then the same shall be published in some  
13 newspaper printed in an adjoining county; and a  
14 like copy, attested and sworn to as aforesaid, shall be  
15 deposited with the clerk of said town or city, who  
16 shall record the same.

1   SECT. 5. Every corporation organized under this  
2 act, may take and hold, in its corporate name, such

3 real and personal estate as shall be necessary for the  
4 purposes of such corporation, and may dispose of the  
5 same at pleasure.

1     SECT. 6. No shares in the capital stock of any  
2 such corporation, shall be issued for a less sum or  
3 amount, to be actually paid in on each, than the par  
4 value of the shares which shall be first issued.

1     SECT. 7. Every such corporation may increase its  
2 capital stock, and the number of shares therein, at  
3 any meeting of the stockholders called for the pur-  
4 pose: *provided*, that the amount, when so increased,  
5 shall not exceed the amount authorized by this act;  
6 and *provided also*, that the president and clerk shall  
7 cause a certificate of such increase of its capital stock  
8 and shares to be made, attested, sworn to, published,  
9 and recorded, as provided in the fourth section of this  
10 act.

1     SECT. 8. Every corporation organized under this  
2 act shall have power and authority, with the consent  
3 in writing, of the selectmen of any town or the may-  
4 or and aldermen of any city, to dig up and open the  
5 ground in any part of the streets, lanes, and highways  
6 of said town or city, for the purpose of sinking, re-  
7 newing, or repairing such pipes and conductors, as it  
8 may be necessary to sink for the purpose of carrying  
9 out the object of such corporation: *provided*, that  
10 such corporation shall be held to put every such  
11 street, lane or highway, into as good repair as the  
12 same was in before and at the time of such digging  
13 up and opening, under penalty of being prosecuted  
14 as a nuisance.

1   SECT. 9. The selectmen of every town, and the  
2 mayor and aldermen of every city in which any of the  
3 pipes or conductors of any such corporation shall be  
4 sunk, shall at all times have the power to regulate,  
5 restrict and control all the acts and doings of such  
6 corporation which may in any manner affect the  
7 health, safety, or convenience, of any part of the in-  
8 habitants of such town or city.