

## No. 162.

**An Act**

To incorporate the Lyken's Valley Coal company, in Dauphin county, Pennsylvania, and to authorize the opening of a road in Honesdale, Wayne county.

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 Simon Gratz, Samuel Richards, S. Gratz and Henry Sheaffer, George H. Thomson, and Charles Rockland others constitute a body politic and corporate, by the name and style of "The Lyken's Valley Coal company, in Dauphin county, Pennsylvania," for the more convenient ownership and working of coal mines in this commonwealth, and the transacting the usual business of companies engaged in the mining, transporting and selling of coal and the other products of coal mines, and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this commonwealth, and generally to do and execute whatever by law shall appertain to such body politic.

SECTION 2. The said corporation shall have the right to hold, possess and enjoy, not exceeding two thousand acres of land, in the counties of Dauphin and Perry, in the Commonwealth of Pennsylvania, and such lot or lots of land, not exceeding four acres in any one place, as may be found convenient as places of deposit, in the transportation and sale of the products of their mines, and that the whole amount of the capital stock shall not exceed in value three hundred thousand dollars, and shall be divided into shares of fifty dollars each share, which capital shall be employed in purchasing and holding the lands aforesaid, and in constructing buildings, cars, wagons, vessels, boats, and such other improvements and machinery as may be necessary or useful for the mining and transporting of coal, the product of their mines, and for the general purposes of said company; every member of said company shall have a certificate, under the seal of the corporation, made and attested in such manner and form as the by-laws shall direct, certifying his property in the share or shares owned by him, and the stock of said company shall, in the nature of personal property, be

Transferr'ble assignable and transferrable, according to such rules as the board of directors shall establish, and no stockholder indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is discharged, or security given for the same to the satisfaction of the board of directors.

When letters patent may issue. SECTION 3. When the above named Simon Gratz, Samuel Richards, Henry Sheaffer, George H. Thomson, Charles Rockland Thomson, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifty per cent. in money in purchasing lands, and such other investments as are authorized by the second section of this act, for the uses and purposes of said company, the Governor, on evidence thereof, shall, by letters patent, under his hand and seal of the state, create and erect the said Simon Gratz, Samuel Richards, Henry Sheaffer, George H. Thomson, Charles Rockland Thomson, and their associates, successors and assigns, into one body politic and corporate, in deed and in law, by the name, style and title of "The Lyken's valley coal company in Dauphin county, Pennsylvania.

Directors to be chosen annually. SECTION 4. The affairs of the company shall be managed by five directors, to be chosen annually, from the stockholders, by the majority of the votes, given either in person or by proxy; the first election shall be held in the city of Philadelphia, within thirty days after letters patent shall have issued, of which public notice shall be given by three or more of the stockholders named in the first section of this act, at least two weeks previous, in one or more newspapers printed in Philadelphia and Harrisburg, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall appoint, of which previous public notice shall be given by the president of the company, at least thirty days.

Powers of directors. SECTION 5. The directors, as soon as conveniently may be after their election, shall meet at such time and place as may be designated by a majority of them, and choose by ballot, one of their number for president, to serve for one year, or until superseded by a new election, they shall also have power to appoint other officers and agents to conduct and prosecute the business of said company, in such manner as they shall deem necessary and proper; at all meetings of the board, three directors shall form a quorum to transact business, and minutes of all their proceedings, and regular accounts of all their transactions, as well as minutes of the proceedings of the stockholders at each of their meetings, shall be duly recorded in books, to be kept for those purposes, and shall be exhibited for inspection at all meetings of the stockholders, and the said directors shall declare and pay annually to the stockholders, or their legal representa-

Dividend to be declared annually.

tives, a dividend of such part of the nett profits of said company as to them shall appear advisable and expedient.

SECTION 6. The directors aforesaid may from time to time, at any meeting, assess upon each share of stock such sum of money not exceeding fifteen per cent., as shall be judged necessary for the uses and purposes of the company, to be paid at such time and place, and to such person as said directors may authorize to receive the same, and if after thirty days public notice, in one or more newspapers printed in the city of Philadelphia, and at least one newspaper printed in Dauphin county, of the time and place of payment of any proportion or instalment of said capital stock, any stockholders shall neglect to pay his instalment, at the time appointed, for thirty days after the time so designated, the amount previously paid may be forfeited to the company, and the stock aforesaid may be sold to any person, for such price as can be obtained for the same.

SECTION 7. The said company shall make an annual report, under oath of the president, to the legislature, and as soon as they shall have made a dividend exceeding fifteen per cent., shall pay an annual tax of eight per cent. on all dividends made above that amount.

SECTION 8. The legislature reserves the right to alter or amend the charter hereby granted, at any time hereafter: *And provided*, That nothing herein shall be construed as in any way giving to the said company any banking or trading privileges, or any other privileges but such as are provided by the first section of this act.

SECTION 9. This act may continue in force for fifteen years from the passage thereof, and no longer, unless the same be sooner repealed, in pursuance of the eighth section of this act.

SECTION 10. That the recorder of deeds for the county of Philadelphia, be and he is hereby authorized and required to cause to be made fair transcripts of all indexes of deeds, or mortgages, in his said office, which may be required to be transcribed, and to complete, as soon as possible, the indexes in arrear in his office, the expense thereof to be paid by warrants drawn by the County Commissioners, and for the purpose of making the said copies, the said recorder shall have full power to employ and at pleasure dismiss such additional clerks as may have been employed, or as he may deem expedient to employ.

SECTION 11. That for every search hereafter to be made by the said recorder of deeds, he shall be entitled to receive, if the same extends beyond ten years, twenty-five cents, and twenty-five cents for every ten years beyond twenty years.

SECTION 12. That the select and common councils of the city of Pittsburg, shall have power in determining the location of a street, to be called Duquesne way, authorized to

be located and opened in the said city, by the act to which this is a supplement, to alter the course of the same, for the distance contained between the eastern boundary line of the said city and the bridge erected at the end of St. Clair street, in such manner as they shall deem most conducive to the interests of said city.

Honesdale,  
Wayne Co.

SECTION 13. That the public road leading from Cherry ridge to the borough of Honesdale, from its present termination at the line of said borough, to the main street or road, near Mrs. Steward's house, is hereby declared a public highway.

SECTION 14. If the borough authorities of Honesdale shall neglect or refuse to open the said road within six months from the passage of this act, then, and in that case, it shall and may be lawful for the supervisors of Dyberry township to open the said road, the expense of which shall be recovered of the burgess and council of Honesdale, as sums of like amount are now by law recoverable.

A. J. Kelso.

SECTION 15. That the Treasurer of the Commonwealth be and he is hereby authorized, to pay to Albert J. Kelso or his order, ninety-seven dollars and eighty-five cents, money overpaid by said Kelso in patenting out-lots numbers four hundred and fourteen and four hundred and fifteen, adjoining the town of Erie.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The third day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER,

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No. 163.

## An Act

For the relief of Massey Harbeson, widow of a soldier of the Indian war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*