

No. 179.

An Act

To incorporate the Quinn's Run railroad and coal company and to incorporate the Shamokin coal and mining company, and for other purposes.

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 William Morrison, David M' Micken, Jacob W. Pfoutz, James Wilson, John A. Gamble, and George Crain, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and title of the Quinn's Run railroad and coal company, for the more convenient ownership and mining of coal in the counties of Lycoming and Centre, and the transacting of the usual business of companies engaged in the mining, transporting and selling of coals, and the other products of the coal mines, and likewise, the privilege of constructing necessary railroads, 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 bodies politic: *Provided however,* That nothing herein contained, shall be considered as in any way giving to the said corporation any banking privilege, but they shall be exclusively confined to the operations necessary for the carrying on the mining of coal, and transporting the same, and also the constructing of necessary railroads and buildings, and that each and every stockholder, be in his individual capacity, liable for the debts and performances of all contracts entered into by said corporation, to the amount of the balance unpaid on the stock.

Corporators.

Name & title

Powers.

Seal.

Proviso.

Right to hold 5000 acres of land.

Capital stock not to exceed \$300,000.

SECTION 2. The said corporation shall have the right to hold, possess, and enjoy, not exceeding five thousand acres of land, not to consist of more than five separate and distinct bodies in Lycoming and Centre, (now owned by said company,) and also, to purchase and hold, not exceeding five acres, in any other parts of the commonwealth of Pennsylvania, where they may deem it useful, either for landing places, of deposite, or other purposes connected with the prosecution of their business, and that the whole amount of their capital stock, shall not exceed in value three hundred thousand

dollars, and shall be divided into three thousand shares, which capital shall be employed in purchasing and holding the lands aforesaid, and in constructing buildings, vessels, boats, arks, and such other improvements and machinery as may be necessary or useful for the mining and transporting of coal, and for the general purposes of said company; every member of the said company shall have a certificate, under the seal of the said 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 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.

Certificate
respecting
shares of
stock.

SECTION 3. When the above named William Morrison, David M'Micken, Jacob W. Pfoutz, James Wilson, John A. Gamble, and George Crain, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. in money, and in purchasing lands, and in such other investments as are authorized by the second section of this act, for the use and purpose of said company, the Governor, on evidence thereof, under oath or affirmation, shall by letters patent, under his hand and seal of the state, create and erect the said William Morrison, David M'Micken, Jacob W. Pfoutz, James Wilson, John A. Gamble, and George Crain, 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 Quinn's Run railroad and coal company.

When letters
patent shall
issue.

SECTION 4. The affairs of the company shall be managed by five directors, to be chosen annually from the stockholders, by majority of the votes given, either in person or by proxy; the first election shall be held in the borough of Jersey Shore, 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 Lycoming county, and at least one newspaper printed in the city of Philadelphia, 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.

Annual elec-
tion of five
directors to
manage the
affairs of the
company.

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

Duties and
powers of the
directors.

year, or until suspended 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 the meetings of the stockholders.

Quorum.
Minutes.

Route.

SECTION 6. The president and managers of said company, shall have power to survey, lay down, ascertain, mark and fix such route or routes as they shall deem expedient, for a single or double railroad, beginning at or near the lock at Quinn's Run; on the West Branch division of the Pennsylvania canal, in Lycoming county, thence up the valley of Quinn's Run, to a point most convenient for said company, not to exceed five miles.

President & managers authorized to enter in and upon lands & occupy the same.

SECTION 7. The said president and managers, and company, shall have power and authority, by themselves or their superintendents, engineers, artists, and workmen, to enter in and upon, and occupy, all land on which the said railroad may be located, and thereon to dig and embank, make and construct the same, satisfying the owner or owners thereof, but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall be lawful for the parties to appoint five suitable, judicious and disinterested persons of the county of Lycoming, who shall be under oath or affirmation, and who shall reside within said county, and if they cannot agree upon such persons, then either of the parties may apply to the court of Common Pleas of the county of Lycoming, and the court shall award a venire, directed to the sheriff, to summons a jury of judicious and disinterested persons from the said county, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of the construction of said railroad through the same, which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quality and quantity of the land occupied by the said railroad, and all other inconveniences which may be likely to result therefrom to the said lands, and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said railroad through the same, to make their assessment, and report to the court of the county, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment, for the sum

Damages, how ascertained.

awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by the said company: *Provided, Proviso.* That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

SECTION 8. The president and managers, by and with their superintendents, engineers, artists, workmen and labourers, with their tools, instruments, carts, wagons, and other carriages, and beasts of draught or burden, may enter upon the lands contiguous and near the said railroad, first giving notice to the owners or occupiers thereof, and from thence to take and carry timber, stone, or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon, but no timber, stone, gravel, sand or earth, shall be taken away from any improved land, without the consent of the owners thereof, until compensation for the same be first ascertained and paid, the amount whereof, if the parties do not agree, shall be assessed and valued as hereinbefore mentioned, in the seventh section of this act. *President & managers may enter upon lands for timber, sand, &c. Damages—how ascertained.*

SECTION 9. 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 use and purpose 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 Lycoming county, and at least one newspaper in the city of Philadelphia, of the time and place of payment of any proportion or instalment of said capital stock, any stockholder shall neglect to pay his instalment, at the place appointed, for thirty days after the time so designated, the amount previously paid, shall be forfeited to the company, and the stock aforesaid, may be sold to any person, for such prices as can be obtained for the same. *Instalments of stock to be paid on thirty days notice. Forfeiture of neglect.*

SECTION 10. Dividends of so much of the institution as shall appear advisable to the managers, shall be declared at least twice a year, in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired, and if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable in their individual capacity to said company, for the amount of the stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enters *Dividends twice a year. Liability of managers.*

his protest on the minutes of the board, and give public notice to the stockholders, at the declaring of such dividend.

On completion of two miles or more toll may be charged.

SECTION 11. On the completion of a section of two miles or more of the railroad, all transportation on the same, of whatsoever nature or kind, or by whomsoever, shall be carried on and conducted under the superintendence and direction of said company, and it shall and may be lawful for the said company, to charge and receive for freight on, and for the transportation of coal, goods, wares and merchandise, at a rate not exceeding one and a-half cents per mile, for each and every ton weight thereof: *Provided further*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividend above six per cent., into the treasury of the state, for the purposes of education.

Proviso.

This act to continue in force until 1856, and may be repealed at any time, &c.

SECTION 12. This act shall be and continue in force until the first Monday in December, in the year of our Lord, one thousand eight hundred and fifty-six, and no longer, and it shall and may be lawful for the legislature, at any time, in case of a breach of any of the provisions of this act, or if it should become hurtful and prejudicial to the interests of the citizens of this commonwealth, to repeal, alter or amend its provisions, and to resume the power and authority hereby granted.

Corporators of the Shamokin coal company.

SECTION 13. That James Hepburn, John C. Boyd, Lewis Dewart, Joseph M. Sanderson, William Boyd and Charles Mowry, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Shamokin Coal company," for the purpose of mining of coal, and for the transacting the usual business of companies engaged in the mining, transporting to market, 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, 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 the United States and of this commonwealth, and generally, to do and execute for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained, shall be considered as in any way giving to said company any banking or railroad privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And Provided*, That each stockholder shall be liable in his individual capacity, for the debts, and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of the stockholder,

General powers.

Seal.

Proviso.

2d Proviso.

so that the whole capital stock of the company, whether paid in or not, shall be liable for said debts and contracts.

SECTION 14. The said company shall have the right to hold, either by purchase or lease, not exceeding three thousand acres of land, at any one time, in the county of Northumberland, in the commonwealth of Pennsylvania, and in no other county, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require, *Provided*, That the said three thousand acres of land shall be in not more than three separate and distinct bodies: *Provided however*, That the company may hold as above, such lot or lots of land, not exceeding three 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.

SECTION 15. The capital stock of said company shall consist of three hundred thousand dollars, and shall be divided into six thousand shares, of fifty dollars each, which capital shall not only be employed in the purchasing and holding the lands aforesaid, with the improvements, if any, thereon, and constructing such other improvements, buildings, cars, boats, engines, and machinery, as may be necessary or useful for the mining, transportation, and sale of coal, and in the payment of such salaries, wages, and other expenditures as shall be requisite for the aforesaid purposes of the company, and said stock shall be assignable and transferrable, according to such rules as the board of directors shall establish.

SECTION 16. When the above named James Hepburn, John C. Boyd, Lewis Dewart, Joseph M. Sanderson, William Boyd, and Charles Mowry, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing land, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall, by letters patent, under his hand and the seal of the state, create and erect the said James Hepburn, John C. Boyd, Lewis Dewart, Joseph M. Sanderson, William Boyd, and Charles Mowry, and their associates, successors, and assigns, into one body corporate, by the name, style and title, of "The Shamokin Coal company."

SECTION 17. The affairs of the company shall be managed by five directors, to be chosen annually, from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent aforesaid shall have been issued, of which election, public notice shall be given, by three or more of the corporators named in the first section of this act, at least two weeks previously thereto, in two or more

- daily newspapers printed in Philadelphia, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice, shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.
- Proviso.** SECTION 18. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; no share shall confer a right of voting, which shall have been transferred within three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right, or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right, or for the use and benefit of some co-partnership, society, or corporation, of which he or she may be a member, and all votes by proxy, shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies."
- Election by ballot.**
- Ratio of votes**
- Proxies.**
- President to be chosen; also other officers and agents.** SECTION 19. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board, arising from death, resignation, or otherwise, until the next annual election; at all meetings of the board, three directors shall form a quorum to transact business.
- Vacancies.**
- Quorum.**
- Instalments on stock may be called in on 30 days notice.** SECTION 20. The directors may from time to time, call in, on thirty days notice thereof, in at least two daily papers printed in Philadelphia, and in at least one paper printed in the county of Northumberland, such instalments on the stock of the company as they may judge best, not exceeding twenty per cent. thereof, at any one time, and if any stockholder shall neglect to pay, at the time and place appointed, any instalment on his stock, so called in, for the space of thirty days after the period so designated for the payment thereof, the said stock, and the amount previously paid thereon, may be declared by the directors forfeited to the company, and disposed of as they shall prescribe.
- Forfeiture for neglect.**

SECTION 21. Dividends of so much of the profits of the *Dividends* company as shall appear to the directors advisable, shall be twice a year. declared twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto, shall be liable in their individual capacities to the said company, for the amount of the stock so divided, and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That the said company shall make annual returns to the Auditor General, on the oath or affirmation of the president or secretary, of the amount of dividend declared for the current year, and shall pay into the state treasury, a tax of eight per cent. on all such dividends, when they shall exceed six per cent. per annum.

Liability of
directors.

Proviso.

SECTION 22. This act shall continue and be in force until the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and it shall be lawful for the legislature, at any time, in case of misuse or abuse of any of the privileges granted by this act, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted.

This act to
be in force
until Decem-
ber, 1857, &
may be re-
pealed at any
time.

SECTION 23. Any legal process, served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Service of leg-
al process.

SECTION 24. That Cornelius Stevenson, Joseph Burden, W. A. Martin, George F. Lehman, John F. Stump, William Wallace, George W. Blight, Isaac Otis, H. J. Lewis, William T. Smith, Joseph B. Mitchell, and Robert T. Conrad, Joseph C. Burden, Joseph B. Haines, Franklin Vansant, be added to the commissioners named in the first section of the act entitled "An act to incorporate the Tuscarora and Cold Run tunnel and railroad company," passed the sixth day of April, Anno Domini, one thousand eight hundred and thirty, and that the capital stock of the said company shall consist of six thousand shares, of fifty dollars each; and as an inducement to the speedy completion of the tunnel and railroad through the Sharp mountain, which the said company are authorized to construct, the said company shall be, and they are hereby authorized, to hold any quantity of land in the

Additional
commis'srs.
to the Cold
Run tunnel
and railroad
company.

Capital stock
consist 6000 shares
at \$50 each.

Right to hold
2000 acres of
the land.

vicinity of the line of their said railroad and tunnel, not exceeding two thousand acres.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 180.

An Act

Authorizing the Governor to incorporate the Huntingdon and Chambersburg Railroad company.

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 William Orbison, sen., Peter Swoope, jr., James M. Bell, William Williams, Matthew Wilson, sen., John Ashman, John Lutz, John Long, William Pymon, Samuel Findlay, John Blair, General Samuel Dunn, Thomas G. M'Culloch, Nathaniel Kelley, Dr. Jacob Hoffman, Jacob Miller, Benjamin Elliott, Kinsey L. Green, Abraham Wright, Caleb Greenland, John Stever, William M'Gee, James Entriken, Nathaniel Greenland, Elija Corbui, Esq., George Hudson, John Parks, George M'Culloch, William H. Keating, William S. Spackman, John Price Wetherill, Joseph M'Ilvaine, Henry White, James M'Murtrie, Simon Gratz, Bela Badger, Dr. John A. Elkinton, John Townsend Smith, of Philadelphia, and John M'Cahan, Jacob Africa, Dr. John Henderson, Robert Allison, Henry L. M'Connell, William Steel, sen., Patrick Given, Martin Graffius, and John Simpson, of Huntingdon, Thomas Carson, John D. Work, David Fullerton, and James Dunlop, of Franklin county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, shall

Commissioners.