

No 194.

An Act

To encourage the manufacture of Iron with Coke or Mineral Coal;
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 when any number of persons, citizens of this commonwealth, are associated for the purpose of making and manufacturing iron from the raw material, with coke or mineral coal, and shall be desirous to acquire and enjoy the powers and immunities of a corporation or body politic in law, and they shall have subscribed a sum of not less than one hundred thousand dollars, nor more than five hundred thousand dollars, in such shares as they may agree upon, not exceeding fifty dollars each, and actually paid in, to such persons as they may have appointed for that purpose, the one fourth of the capital stock so subscribed, it shall or may be lawful for such persons, to prepare an instrument in writing, therein specifying the objects, articles, and conditions, and name, style, or title under which they have associated, and the counties in which they intend to purchase, or have purchased, land for such making and manufacturing of iron with coke or mineral coal, the amount of capital stock subscribed, the amount of the shares in which it is subscribed, and the amount which shall have been paid in, and the same to exhibit to the Attorney General of the commonwealth for the time being, who is hereby required, thereupon to examine the said instrument, and after such examination, to transmit it, with a certificate thereon endorsed, testifying his opinion touching the lawfulness of the objects, articles and conditions therein set forth and contained, to the Governor of the commonwealth, who shall thereupon, examine the said instrument, and if he shall be satisfied of the lawfulness of the objects, articles and conditions therein set forth and contained, and that the capital stock of the said association or corporation, to an amount not less than one hundred thousand dollars, has been bona fide subscribed, and the one fourth thereof actually paid in, then the Governor shall certify the same to the Secretary of the Commonwealth, with an order, requiring him to enroll the same, at the expense of the applicants, and upon the enrollment thereof, the persons so associated shall, according to the objects, articles and conditions in the said instrument, become a corporation or body politic, in law and

Capital stock
not less than
\$100,000 nor
more than
\$500,000.

Price of
shares.

Articles of
association.

To exhibit to
Attorney
General.

Attorney
General to
certify to
Governor.

Governor's
order for en-
rollment

in fact, to have continuance by the name, style and title in such instrument provided and declared: *Provided always*, That no corporation created by virtue of this act, shall continue longer than twenty-five years from the time of its creation.

Proviso.

Directors—
how chosen.

Proviso.

Votes by bal-
lot.

Ratio of votes

Proviso.

2d Proviso.

SECTION 2. The affairs of the said corporations shall be managed by directors, to be chosen annually, from the stockholders; the first election shall be held within thirty days after letters patent aforesaid, shall have been issued, of which election, public notice shall be given, at least two weeks previously thereto, in two or more daily newspapers, 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: *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.

SECTION 3. 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 copartnership, society or corporation, of which he or she may be 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:" *Provided also*, That the stockholders in the corporation to be created under this act, shall be individually liable for the amount of capital stock by them respectively subscribed in such corporations, which shall not have been paid in: *And provided further*, That if said corporation shall any time contract debts to a greater amount than that of the capital subscribed, such corporation shall forfeit its charter, and its corporate powers shall cease and determine.

SECTION 4. As often as corporations established by virtue of this act, and the successors thereof respectively, shall be desirous of improving, amending, or altering the articles and

conditions of the instrument upon which corporations respectively, are, as aforesaid, formed and established, it shall be lawful for such corporations, respectively, in like manner, to specify the improvements, amendments or alterations which shall be desired, and the same to exhibit to the Attorney General and Governor of this commonwealth; and the same being certified as aforesaid, to be lawful, shall in like manner, be directed by the Governor to be enrolled by the Secretary of the Commonwealth, at the expense of the applicants, and upon enrollment thereof, shall be taken and deemed a part of the instrument upon which such corporations respectively, were formed and established, to all intents and purposes, as if the same had originally made part thereof.

SECTION 5. The corporations established by virtue of this act, and the successors thereof respectively, shall have full power and authority to make, have, and use one common seal, with such device and inscription as they shall respectively deem proper, and the same to break, alter, and renew at pleasure, and the name, style and title by them respectively provided and declared as aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court, before any judge or justice, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, and all and every matter and thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic and corporate, within this commonwealth, may or can do; and shall be respectively authorized and empowered to make rules, regulations and ordinances, and to do every thing needful for the good government and support of the affairs of the said corporation, respectively: *Provided always,* That the said by-laws, rules and ordinances, or any of them, be not repugnant to the constitution and laws of the United States, to the constitution and laws of this commonwealth, or to the instrument upon which the said corporations respectively are, as aforesaid, formed and established.

SECTION 6. Each corporation established by virtue of this act, and the successors thereof respectively, by the proper name, style and title, shall be able and capable in law, according to the terms and conditions of the instrument upon which the said corporations respectively are, as aforesaid, formed and established, to take, receive and hold, in fee simple, lands and tenements, not exceeding in the whole two thousand acres, in not more than three separate parcels, and the same to use and convey in fee simple: *Provided however,* That such corporations shall not hold real estate in more than one county, or two counties which shall adjoin each other.

Money to be expended for certain purposes. SECTION 7. The corporations established by virtue of this act, and the successors thereof, shall use and employ their monies, lands and tenements, in the making and manufacturing iron with coke or mineral coal, and in the transportation thereof to market; and vending the same, and for no other purposes whatsoever; neither shall such corporation have or exercise any banking privileges, nor do any thing which may not be necessary for carrying on the business of the said company in such making, manufacturing, transporting and vending such iron: *Provided*. That nothing herein contained, shall be construed to empower such corporation to manufacture iron which has not been manufactured from the ore, with coke or mineral coal.

Proviso.

Annual return to be made to Secretary of Commonwealth. SECTION 8. The corporation established by virtue of this act, shall annually, on or before the first day of December in each and every year, make a return, attested by the oath of the president or secretary of such corporation, of the transactions of such corporations, to the Secretary of the Commonwealth, who shall report the same to the legislature, in which return the said corporation shall state the amount of the capital stock subscribed, and the amount of the same paid, in the number of acres of land held by it, the number and nature of the works used by it, and the quantity and kind of iron made and manufactured by it, during the current year.

Stock transferrable.

SECTION 9. The stock of such corporations shall be assignable and transferrable by the holders thereof, to such persons as they may think proper, according to such rules as the by-laws shall prescribe, but no stockholder shall be permitted to transfer his stock while any instalment due thereon shall remain unpaid, except by a special order of the board of directors to that effect.

Dividends semi-annually.

SECTION 10. Dividends of so much of the profits of such corporations as shall appear advisable to the directors or managers, shall be declared twice in every year, and paid to the stockholders, or their legal representatives, 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 said company, so that the capital stock shall never thereby be impaired; and if the said directors, or managers shall make any dividend which shall impair the capital stock aforesaid, the directors or managers consenting thereto, shall be liable to said company in their individual capacities, for the amount of the stock so divided, and each director present when such dividend is made, shall be adjudged consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend: *Provided*,

Not to impair capital stock.

Proviso.

That the said company or companies, shall make an annual return, on the oath of the president or secretary of said company or companies, of the amount of dividends, and they

shall pay into the state treasury, a tax of eight per cent. on ^{Tax.} all dividends where they shall declare dividends exceeding six per cent. per annum.

SECTION 11. It shall be lawful for the legislature at any ^{Right to alter} time, to amend, alter, or repeal this law, and amend, alter, or repeal ^{or repeal re-} or abolish any corporation or charter which may be created ^{erved.} under it.

SECTION 12. That Thomas F. Wharton, Samuel L. Shober, ^{Corporators} Jacob T. Bunting, Benjamin Kugler, and Joseph H. New-^{of Buck}bold, and their associates, successors and assigns, be, and ^{Mountain} they are hereby constituted a body politic and corporate, by ^{coal company} the name and style of the Buck Mountain Coal company; and the said company shall possess and enjoy all the powers, ^{Act of March} privileges, and immunities, and be subject to the restrictions. ^{18th, 1836,} terms and conditions provided in an act, entitled "An act ^{extended to} to incorporate the Hazelton Coal company," passed the ^{this comp'y.} eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-six: ^{Provided,} That the lands of said ^{Proviso.} company shall not exceed two thousand acres, and shall all lie in Sugar Loaf and Hanover townships, in the county of Luzerne, and shall not consist of more than two distinct bodies; and that the capital stock of said company shall not ^{Capital stock} exceed one hundred and fifty thousand dollars: ^{2d Proviso.} ^{That the said company shall make an annual return on the} ^{Annual re-} ^{oath of the president or secretary of said company, of the} ^{amount of dividends, and they shall pay into the state trea-} ^{sury, a tax of eight per cent. on all dividends, when they shall} ^{Tax.} declare dividends exceeding six per cent. per annum.

SECTION 13. That there shall be, and hereby is established, ^{Franklin} in the township of Harford, in the county of Susquehanna, ^{Academy at} an academy for the education of youth in the useful arts, ^{Harford, Sus-} sciences, and literature, by the name and style of the ^{quehanna co.} Franklin Academy at Harford, and that until the first election, the trustees of the said academy shall consist of the following named persons, to wit: Hosea Tiffany, Joab Tyler, ^{Trustees.} Joseph B. Streeter, Saxa Seymour, Gaines Moss, Freeman Peck, Amherst Carpenter, and Preston Richardson, which ^{Privileges &} said trustees and their successors in office, shall have and ^{restrictions} possess all the powers, privileges, and immunities hereto- ^{the same as} fore granted to the Susquehanna academy, and be subject to ^{Susquehanna} all the restrictions imposed on the said last mentioned ^{academy.} academy: ^{Provided always,} That the time of holding the ^{Proviso.} annual elections for the Franklin academy, may be altered by the said trustees.

SECTION 14. That there shall be, and hereby is established, ^{Towanda} in the township of Towanda, in the county of Bradford, an ^{academy,} academy for the education of youth in the useful arts, sciences, ^{Bradford co.} and literature, by the name and style of the Towanda Academy, and that until the first election, the trustees of the said academy shall consist of the following named per-

- Trustees.** sons: James P. Bull, J. D. Mantany, Isaac Myer, Hiram Mix, Burton Kingsbury, Enos Tomkins, David Cash, N. B. Storm, George A. Mix; which said trustees, and their successors in office, shall have and possess all the powers, privileges and immunities heretofore granted to the Athens academy, and be subject to all the restrictions imposed on the said last mentioned academy, by an act passed the twenty-second day of March, one thousand eight hundred and thirteen, incorporating said academy: *Provided always*, That the time of holding the annual elections for the Towanda academy, may be altered by the said trustees.
- Act of March 22d, extended to this.** SECTION 15. That Charles Shaler, William Burns, Alexander Carnahan, R. C. M. Farland, Frederick Lorents, F. R. Smith, and George Ledlie, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first Monday in November next, procure one or more books, and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Little Sawmill Run turnpike road, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, by which said company is incorporated, for the purpose of making an artificial road from Jones' Ferryhouse, to a point on the Washington and Pittsburg turnpike road, at or near Turner's mill dam, on the rout in said act designated; Witness our hands, the day of in the year of our Lord, one thousand eight hundred and ;"
- Proviso.** and shall thereupon give notice, in one or more of the public newspapers printed in Pittsburg, for one calendar month at least, of the times and places in said county, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and places some one of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or in the name of any other person or persons who shall duly authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until said books so opened, shall have fifty shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said commissioners respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number
- Commiss'rs. of Little Sawmill run turnpike road.**
- Form of subscription.**
- Notice.**
- Who may subscribe.**
- May transfer books.**

of shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as occasion may require; and when the whole number of shares subscribed in all the said books, shall amount to one thousand, the same shall be closed: *Provided always*, Proviso. That every person offering to subscribe in the said books, in his own name, or the name of any other person, shall previously pay to the attending commissioners, the sum of two dollars and fifty cents for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned; but the omission or neglect to pay such amount at the time of subscribing, shall not bar or prevent the recovery of the amount of stock which may be subscribed, from the person so omitting to make payment, or any other subscriber to said stock.

SECTION 16. That when twenty or more persons shall have When letters subscribed one hundred or more shares of the said stock, patent may the commissioners shall certify, under their hands and seals, issue. the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then all those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name, style and title of "The president, Style & title. managers and company of the Little Sawmill Run turnpike road;" and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises Privileges & incident to a corporation, and shall be capable of taking and liabilities. holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assignees, and of selling, transferring and conveying, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided* Proviso. *always*, That if the company incorporated by this act, shall at any time issue any note or notes, in the nature of bank notes, or shall transact any business in the nature or manner

of banking, then, in either of those cases, their chartered privileges shall cease, and revert to this commonwealth.

Organization
of company.

SECTION 17. That the commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice, in one or more newspapers printed in the city of Pittsburg aforesaid, of a time and place, by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president and four managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen, and the said managers so chosen, and their successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said company, and generally, have like powers, authorities and privileges necessary for carrying on and completing a turnpike road, to

Location of
road.

commence at or near Jones' Ferry, on the Monongahela river, thence passing over the coal hill, at the farm or tract of land belonging to the heirs of the late Amelia L. Stialer, deceased, to the mouth of Little Saw-mill run, thence up Little Saw-mill run, by such branch thereof as would be found most eligible, to some suitable point, most convenient as regards distance and facility of construction; thence to Georges' Run, thence down said run to intersect the Washington and Pittsburg turnpike, at or near Turner's mill dam, and be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Pittsburg and Greensburg turnpike road, by the several acts of this commonwealth: *Provided*, That if the same company shall not proceed to carry on the said work, in three years after the passage of this act, or shall not within five years afterwards, complete the said road, according to the true intent and meaning of this act, then, in either of those cases, it shall be lawful for the legislature of this commonwealth, to resume all and singular, the rights, privileges, liberties and franchises by this act granted to said company: *Provided also*, That if from the nature of the ground, that part of the road leading from Jones' Ferry across the Coal Hill, to the mouth of Little Saw Mill run, cannot be constructed at an angle of elevation of not less than six degrees with the plain of the horizon, the same may be constructed at such elevation: *And provided*:

Several acts
incorporating
Pittsb'rg
& Greens-
burg turn-
pike road,
extended
to this.

Proviso.

2d Proviso.

further, That wagons carrying coal, lime, or limestone, and free stone, traveling said road, and having a tire of less than four inches breadth, shall pay double the amount of tolls of wagons carrying other productions or merchandise.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM.

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 195.

An Act

For the relief of James Richy, and other soldiers and widows of soldiers of the revolutionary war.

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 State Treasurer be, and he is hereby authorized and required to pay to James Richy, Daniel Coles, and Abraham Gallentine, of Fayette county, Evan Russel of Chester county, Jacob Davis of Philadelphia county, James Armstrong of Lycoming county, Henry Hoover of Franklin county, and Benjamin Coleman of Columbia county, soldiers, and Elizabeth Blose, and Anna Catherine Lyon, of Northampton county, Hannah Hicks, Frances Parks, Elizabeth Shivelor and Margaret Hickman of Fayette county, and Ann Wunder of Philadelphia county, widows of soldiers of the revolutionary war, or to their respective orders, a gratuity of forty dollars each, immediately, and an annuity of forty dollars each, during life, to commence on the first day of July, one thousand eight hundred and thirty six.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Barbara Miller, of Lancaster county, widow of a revolutionary soldier, a gratuity of forty dollars