

Proviso. or bequest to the same: *Provided*, The interest of the parties shall sufficiently appear on the face of the gift, grant, will, or other writing, whereby any estate or other interest was intended to pass to the said corporation, nor shall any non-user of the rights, liberties, privileges, jurisdiction and authority hereby granted to the said corporation, create, or in anywise cause a forfeiture thereof.

Seal. SECTION 9. That the said trustees and their successors, shall have full power and authority to use one common seal, and to alter and renew the same at pleasure.

Washington College. SECTION 10. That all the real estate situated in the borough of Washington, in the county of Washington, which belongs to the trustees of Washington college, be and the same is hereby exempted from taxation in support of the poor, as well as for borough, county and school purposes.

Dickinson College. SECTION 11. That the real estate belonging to the trustees of Dickinson college, situate in the county of Cumberland, shall hereafter be exempt from taxation.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

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

JOS : RITNER.

No. 85.

An Act

To incorporate the Lebanon Sugar and Silk Company.

Commissioners. 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 Moore, Dr. John Gloninger, Thomas Harper, Jacob B. Weidman, Simeon Guilford, Dr. Benjamin Baker, John Marguart, John George, David Greenewalt, Jacob Stoever, A. Ritscher, John Shindel, Esq. Joseph Reinhardt, Esq. John Uhler, Dr. H. Shneck, all of the borough of Lebanon, George Seltzer and Jacob Heilman of Jonestown, John Moyer, William Stoever, Lyon Lemberger of Meyers-town, Dr. Christian Bucher, Samuel Rex, of Shaefferstown, John Killinger, James Bingham, John Shertz, Jr. Dr. John Marshall, all of Millerstown, Philip Wolfersberger of Camp-

bellstown, and Henry Garman of Palmyra, or any seven of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, immediately on the passage of this bill, procure three books, one of which shall be opened at the house of Jacob Oyler, in the borough of Lebanon, one at the house of Daniel Moyer in Meyerstown, one at the house of Henry Heilman in Jonestown, in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Lebanon Sugar and Silk company, the sum of ten dollars for every share of stock set opposite 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 general assembly of this commonwealth, entitled 'An act to incorporate the Lebanon Sugar and Silk company:' Witness our hands, the day of _____, one thousand eight hundred and thirty-_____," and shall thereupon give notice, in three newspaper printed in the county of Lebanon, two weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the name of any other person who shall authorize the same, for shares in said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed five thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of five thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed.

To procure books.

Form of subscription.

Price of shares \$10 each.

Notice.

Who may subscribe.

5,000 shares whole No.

SECTION 2. When three hundred shares or more of the said stock shall be subscribed, and the sum of one dollar paid on each and every share, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, whereupon the Governor shall, by letters patent, under his hand, and seal of the commonwealth,

Letters patent.

Style & title.	create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the "Lebanon Sugar and Silk company," and by the same name the subscribers shall have perpetual suc-
Privileges & liabilities	cession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and all estate, real, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien, or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also, to make and have a common seal, and the same alter or renew at pleasure, and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this common-
Proviso.	wealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: <i>Provided</i> , That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the growing of and manufacturing the beet sugar, and cultivating the mulberry and
2d Proviso.	manufacturing silk: <i>Provided further</i> , That the said company shall at no time hold or possess more than five hundred acres of land to cultivate beet and manufacture silk.
Organization	SECTION 3. The said named persons, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given
Officers.	in person, one president and eight managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company until the first Monday of December then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations,
By-laws.	as are not inconsistent with the constitution and laws of the

United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the first Monday of October in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of the votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say; for each share not exceeding two shares, two votes, 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, but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of suffrage, which shall not have been holden three calendar months 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 own right, or in 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 and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for, and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

SECTION 5. The election of officers, provided for in the fourth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law, to conduct such election to the best of their knowledge and abilities, and the said judges

shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes, and declare who has been elected, and if it shall at any time happen that an election of president, managers, treasurer, secretary, or other officers, shall not be made, the corporation shall not for that cause be deemed dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, and other officers, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers, treasurer, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death, resignation, or removal from the state, of any president, managers, treasurer, secretary, or other officer, his place shall be filled by the board of managers, until the next annual election.

Neglect to hold election not to dissolve co.

Vacancies—how filled.

Meetings.

Quorum.

Minutes.

Power to appoint officers, etc.

Orders on Treasurer.

Certificates of stock.

Seal.

Transfer.

SECTION 6. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five 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 appoint all such superintendents, and other artists and officers, as they shall deem necessary, to manufacture beet sugar, and cultivate mulberry and manufacture silk, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for moneys, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this act, and by the by-laws and regulations of the company, they are authorized to do.

SECTION 7. The president and managers first chosen, 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 treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, each of whom

shall keep a book for that purpose, subject however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to one share, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been. Assignment.

SECTION 8. If after thirty days notice in the public newspapers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignees, shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid, in part and on account of such shares, the same shall be forfeited to said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting. Penalty for neglect to pay instalments. Forfeiture. Proviso.

SECTION 9. The president and managers of the said company shall demand and require of and from the treasurer, and other officers all and every other, the officers and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations, require, for the faithful discharge of the several duties and trusts to them, or any of them, respectively committed. Treasurer & other officers to give bond.

SECTION 10. The dividends of so much of the profits of the

Dividends. 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; 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 capacities to said company, for the amount of the stock so divided, and each manager present when such dividend shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend.

Abstract of accounts to be furnished legislature.

SECTION 11. At the end of five years after the date of this incorporation, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

Buildings & machinery.

SECTION 12. The president, managers and company of the said company, shall have power to erect suitable buildings and machinery to manufacture beet sugar and silk.

Penalty for injuring property of the company.

SECTION 13. If any person or persons shall wilfully and knowingly break, injure or destroy the buildings, houses, machinery, or implements, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered with cost of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company.

Capital stock may be increased.

SECTION 14. If any increase of the capital stock be deemed necessary by the stockholders, to manufacture beet sugar and silk, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed seventy-five thousand dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 15. The legislature reserves the right to revoke, Charter may alter or annul the charter hereby granted, at any time they be annulled. may think proper.

SECTION 16. The president or secretary of the said company shall, at the end of five years after the date of this corporation, and at the end of every year thereafter, transmit to the Auditor General a full statement, under oath, of the said company, and that the said company shall pay to the commonwealth a tax of eight per centum on all dividends which may exceed ten per centum on the capital stock actually paid.

Statement to
Aud. Gen.

Tax on divi-
dends.

LEWIS DEWART,
Speaker of the House of Representatives.
J. R. BURDEN,

Speaker of the Senate.

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

JOS : RITNER.

No. 86.

An Act

To authorize John L. Radcliff, executor of the last will and testament of Richard Dale, deceased, to sell and convey certain real estate, and for other purposes.

WHEREAS, Richard Dale did on the twenty-first day of February, Anno Domini, one thousand eight hundred and thirty-three, convey to Anthony Tripple, of the city of Philadelphia, a certain brick messuage or tenement, and lot of ground, situated on the west side of Garden street, between Callowhill and Wood streets, in Penn township, in the county of Philadelphia; *Whereas*, said Anthony Tripple, not being able to pay the purchase money for said lot, has conveyed the same to John L. Radcliff, the acting executor of the last will and testament of said Richard Dale, now deceased; *And whereas*, it has been represented to the legislature that it would be much to the advantage of all persons in interest to have the said lot, with the appurtenances, sold; Therefore,

Preamble re-
lative to the
sale of Rich-
ard Dale's
estate.

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