

and that he, the said county treasurer, shall pay over to the burgess and town council, or their treasurer, the proceeds of such sale, deducting therefrom five per cent. for his trouble; and he is hereby made liable on his official bond for the faithful discharge of his official duties to the borough authorities, aforesaid: *Provided*, That the said sales shall in all respects be governed, as to the right of redemption by the original owner, by the existing laws for the sale of unseated lands for the payment of taxes within this commonwealth.

Proviso.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED.—The eleventh day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 56.

## An Act

Incorporating the Offerman Railroad and Mining 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 John Schall, John C. Offerman, Henry Shoemaker, John Shoener, junior, Nicholas E. Thouron, Charles Wharton, junior, Samuel J. Curtis, Hezekiah Busby, James MacCormack, William A. Martin, and Thomas G. Clemson, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the Offerman Railroad and Mining company, and for transacting the usual business of companies engaged in making railroads, and in mining, transporting to market, and selling 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 regulation and management of the said corporation consistent with the laws of the United States and of this commonwealth; generally to do and execute, for the well being of the 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

Corporators.

Name & style

Privileges

Seal.

Proviso.

company any banking 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, <sup>2d. Proviso.</sup> 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 said stockholders, so that the whole capital stock of the company, whether paid in or not, shall be liable for the said debts and contracts.

SECTION 2. The said company shall have the right to hold <sup>Right to hold</sup> two thousand acres of land at any one time, in not more <sup>2000 acres</sup> than ten tracts, and their land shall lay in Norwegian and of land. Barry townships, near the Great Falls of the West Branch of Schuylkill, and in the county of Schuylkill, and from ten to eleven miles from a landing which is called Schuylkill Haven, in the said county of Schuylkill, in the commonwealth of Pennsylvania, and in no other county or township; and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require: *Provi-* <sup>Proviso.</sup> *ded 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: *And Provided further*, That the said company shall not <sup>2d Proviso.</sup> prevent any person or persons, company or companies hereafter incorporated, being the owner or owners of land bordering on the said railroad or adjacent thereto, from making lateral railroads, and to connect them with said railroad from their said lands, as the said person or persons, company or companies, may conceive necessary, for the purpose of transporting their coal and produce upon the said road, subject to the payment of the same rates of toll now charged by the Mine Hill and Schuylkill Haven Railroad, by virtue of the sixth section of the supplement to their act of incorporation, passed on the twenty-third day of March, Anno Domini one thousand eight hundred and thirty-two: *Provided*, That the <sup>3d Proviso.</sup> turn-outs for such lateral roads shall be so constructed and kept, so as not to interfere with the use of the main road, and all cars or wagons, run upon the same, shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road free and open, for the uninterrupted passage of the cars of every person desiring to travel thereon.

SECTION 3. The capital stock of said company shall consist of three hundred and fifty thousand dollars, and shall be <sup>Capital</sup> divided into seven thousand shares of fifty dollars each, <sup>stock.</sup>

How to be employed.

which capital shall only be employed in making a railroad, and 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 transferable, according to such rules as the board of directors shall establish.

Entry upon lands regulated.

SECTION 4. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever, employed by or under them or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said road, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road, until the rate of compensation for injury sustained, or to be sustained by reason of the construction thereof, shall have been previously ascertained and paid; or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained in the same manner as is prescribed and provided for in the fifteenth section of the act of the sixth of April, Anno Domini eighteen hundred and thirty, incorporating the Middleport and Pine Creek Railroad company: *Provided*, That this act shall not be so construed as to prohibit the aforesaid president, directors and company, by themselves, their engineers, agents or other officers, from entering upon any land or lands for the purpose of exploring, examining, surveying, laying out and locating the said road, with as little damage as may be to the lands or premises which may be thus entered upon for said purpose: *Provided*, That the railroad contemplated by this act, shall commence at the present termination, of the Mine Hill and Schuylkill Haven Railroad, and shall in no case run parallel therewith: *Provided further*, That the said Mine Hill and Schuylkill Haven Railroad company shall give their consent thereto.

Compensat'n

How ascertained.

Proviso.

2d Proviso.

Corporators shall open books for subscriptions &c.

SECTION 5. That before the said John Schall, John C. Offerman, Henry Shoemaker, John Shoener, jr. Nicholas E. Thouron, Charles Wharton, jr. Samuel J. Curtis, Hezekiah Busby, James McCormack, William A. Martin and Thomas G. Clemson, shall claim the benefits and advantages of this act, they shall open books to receive subscriptions to the

stock of said company, consisting of at least one thousand shares of fifty dollars each, and not exceeding seven thousand shares; and whenever one thousand shares of said stock are subscribed, and five dollars on each share actually paid, then the said John Schall, John C. Offerman, Henry Shoemaker, John Shoener, jr., Nicholas E. Thouron, Charles Wharton, jr., Samuel J. Curtis, Hezekiah Busby, James McCormack, William A. Martin, and Thomas G. Clemson, or any two of them, shall certify the same under oath or affirmation to the Governor of this commonwealth, who shall thereupon, by letters patent under his hand and the seal of the state, create and erect the said John Schall, John C. Offerman, Henry Shoemaker, John Shoener, jr., Nicholas E. Thouron, Charles Wharton, jr., Samuel J. Curtis, Hezekiah Busby, James McCormack, William A. Martin and Thomas G. Clemson, and their associates, successors and assigns, into one body corporate, by the name and style of the Offerman Railroad and Mining company.

Letters  
patent.

Name and  
style.

SECTION 6. The affairs of the company shall be managed by nine directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after the letters patent aforesaid shall have been issued, of which election public notice shall be given by the said corporation, named in the first section of this act, at least two weeks previously thereto, in one or more daily newspapers printed at Philadelphia, and one in Schuylkill county; and the subsequent election shall be held annually at such convenient time and places 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.

Annual  
election.

Proviso.

SECTION 7. 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; and for every twenty shares above one hundred, one vote; no share shall confer a right of voting which shall not have been transferred at least 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

Ratio of  
votes.

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-eight day of March, one thousand eight hundred and twenty, entitled an act to regulate proxies.

Proxy.

SECTION 8. 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 five directors shall form a quorum to transact business.

President.

Other officers.

Quorum.

Penalty for neglecting to pay instalments.

SECTION 9. The directors may from time to time call in, on thirty days notice thereof, in at least one daily newspaper printed in Philadelphia, and at least one paper printed in Schuylkill county, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any time and place appointed; and if any instalment on the stock so called in, shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the 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 the said company, and may be sold to any person or persons willing to purchase for such prices 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 an original subscriber or assignee, shall be entitled to vote at any election 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.

Forfeiture.

Proviso.

Dividends.

SECTION 10. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be 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 capital stock, and 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 company for the amount of stock so divided, and each director present when dividends 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 whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends, into the treasury of the state, for purposes of education, and the president of said company shall annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

SECTION 11. This act shall continue and be in force until the first day of January in the year of our Lord one thousand eight hundred and fifty-eight, and the legislature reserve the right to alter, amend and repeal the privileges hereby granted, at any time the interests of the community appear to require the same. Continuance of this act.

SECTION 12. 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 process.

SECTION 13. That the said railroad shall be commenced within two years and completed within seven years after the passage of this act. Time to commence and complete.

LEWIS DEWART,  
Speaker of the House of Representatives.  
CHARLES B. PENROSE,  
Speaker of the Senate.

I do certify, that the bill entitled An act incorporating the Offerman Railroad and Mining company, which has been disapproved by the Governor, and returned with his objections to the Senate, in which it originated, was passed by two thirds of the Senate, on the tenth day of April one thousand eight hundred and thirty-eight, and that the foregoing is the act so passed by the Senate.

CHARLES B. PENROSE,  
Speaker of the Senate.

ATTEST—GEO. W. HAMERSLY,  
Clerk of Senate.

I do certify that the bill entitled An act incorporating the Offermar. Railroad and Mining company, which has been disapproved by the Governor, and returned with his objections to the Senate, in which it originated, was approved by two thirds of the House of Representatives on the eleventh day of April, one thousand eight hundred and thirty-eight, and that the foregoing is the act so approved by the said House.

LEWIS DEWART,

Speaker of the House of Representatives.

ATTEST--FR. R. SHUNK,

Clerk of the House of Representatives.



No. 57.

## A Supplement

To an act to consolidate and amend the several acts relative to a General System of Education by Common Schools, passed the thirteenth of June, one thousand eight hundred and thirty-six.

Increase of  
annual ap-  
propriation.

Without in-  
crease of  
taxation.

\$108,919  
to be paid  
out of the  
interest of  
the Surplus  
Revenue.

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 sum of one hundred and eight thousand nine hundred and nineteen dollars, be, and the same is hereby added to the annual Common School appropriation, for the school year which will commence on the first Monday of June, eighteen hundred and thirty-eight; and such sum annually thereafter as will make the amount of appropriation equal to one dollar for each taxable citizen in the commonwealth; said increased appropriation to be distributed and paid out in the manner directed by the act to which this is a supplement, without any increase of taxation beyond the amount therein named.

SECTION 2. Said sum of one hundred and eight thousand nine hundred and nineteen dollars, shall be paid by the State Treasurer, out of the interest of the surplus revenue, which was ordered to be added to the fund for the support of Common Schools within this commonwealth, by the fourth section of the act entitled An act for the temporary disposition of the portion of the Surplus Revenue of the United States, to be deposited with Pennsylvania, passed the twenty-seventh day of February, eighteen hundred and thirty-