

## No. 87.

**Supplement**

To an act entitled "An act to incorporate the Dauphin and Susquehanna Coal company," passed April the fifth, eighteen hundred and twenty-six.

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 charter of the Dauphin and Susquehanna Coal company, shall be and it hereby is continued and extended twenty years from the passage of this act, and the capital stock of the said company may be increased so as to consist of ten thousand shares, of fifty dollars each, and no more, with full power and authority to make and construct a railroad or canal along Stony Creek, on the lands of the said company, and for that purpose to borrow such sums of money as may be required, not exceeding in the whole two hundred thousand dollars and to convert the same into capital stock of the said corporation: *Provided,* That any stockholder of the said company shall be eligible as a director thereof, and that any thing in the original act which is now altered or supplied, is hereby repealed: *And provided further,* That whenever the dividends of the said company shall exceed six per cent. per annum, they shall pay a tax of eight per cent. on all such dividends into the treasury of the state for purposes of education.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

## No. 88.

**An Act**

To incorporate the Taminend Mining company.

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

Corporators.	<p><i>General Assembly met, and it is hereby enacted by the authority of the same,</i> That Charles Barrington, Archibald Robertson, John R. Walker, Benjamin E. Carpenter, Job R. Tyson, Truman M. Hubbell, Samuel B. Fisher, James McCormick, George Read, George P. Little, John Ely, jr., Josiah Randall, William Drysdale, Daniel McIntyre, Joseph Morgan, Christopher Lauer, John Schall, James Taggart, Jacob Zimmerman, Benjamin Heilner, Jacob Faust, Alexander M. Peltz, Benjamin Duncan, Samuel Jarden, Wm. Amies, Joseph Burden, Richard Peltz, William J. Crans, Robert P. Desilver, Peter Fritz, Alexander Woelpper, Bartholomew Graves, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name, style and title of the Tamanend Mining company, for the purpose of mining 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, 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 the 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: <i>Provided,</i> That nothing herein contained shall be considered as in any way giving to said 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: <i>And provided also,</i> 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 said stockholder.</p>
Name, style and title.	
Powers.	
Proviso.	
2d Proviso.	
Company may hold 2,000 acres of land.	<p>SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding two thousand acres of land, at any one time, the whole to be within Union and Rush townships, east of the state road leading from Orwigsburg to Biele's, in the county of Schuylkill, in the commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of, as the interest of the company may require: <i>Provided,</i> That the said company may hold, as above, such lot or lots of land, not exceeding five acres in any one place, as may be found convenient as places of deposite in the transportation and sale of the products of their mines.</p>
Proviso.	

**SECTION 3.** The capital stock of said company shall be and consist of two hundred and fifty thousand dollars, and shall be divided into five thousand shares of fifty dollars each, which capital stock shall only be employed in the holding and purchasing the lands aforesaid, with the improvements, if any, thereon, and in 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 purposes aforesaid, of the company, and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

**SECTION 4.** When the above named Charles Barrington, Archibald Robertson, John R. Walker, Benjamin E. Carpenter, Job E. Tyson, Truman M. Hubbell, Samuel B. Fisher, James McCormick, George Read, George P. Little, John Ely, jr., Josiah Randall, William Drysdale, Daniel McIntyre, 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 lands, 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 Charles Barrington, Archibald Robertson, John R. Walker, Benjamin E. Carpenter, Job R. Tyson, Truman M. Hubbell, Samuel B. Fisher, James McCormick, George Read, George P. Little, John Ely, jr., Josiah Randall, William Drysdale, Daniel McIntyre, Joseph Morgan, Christopher Leaser, John Schall, James Taggart, Jacob Zimmerman, Benjamin Heilner, Jacob Faust, Alexander M. Peltz, Benjamin Duncan, Robert P. Desilver, Samuel Jarden, Peter Fritz, Adam Woelpper, Wm. Amies, Bartholomew, Graves, Joseph Burden, Richard Peltz, Wm. J. Crans, and their associates, successors and assigns, into one body corporate, by the name, style and title of the Tamand Mining company.

**SECTION 5.** The affairs of the said company shall be managed by seven 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 four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the city of 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 said company, or by any five 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.**
- Ratio of votes.** SECTION 6. 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 four shares, one vote; for every two shares above four and not exceeding ten, 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 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 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 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.
- Powers.** SECTION 7. 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 four directors shall form a quorum to transact business.
- President & other officers**
- Vacancies.** SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof in at least two newspapers printed in the county of Schuylkill, and two daily newspapers printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one 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
- Quorum.**
- Penalty for neglecting to pay instalments.**

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 directors 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 at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECTION 9. 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 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 the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each director present when such dividend shall be declared, shall be adjudged 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 the purposes of education, and the president or secretary 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 10. 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 a railroad or railroads, 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 or roads, 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 following manner, by six suitable and disinterested persons, to be by them chosen, to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointments within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said company, to appoint six disinterested persons of said county to view, examine and estimate the injuries or damage, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same, under their oaths or affirmations, to the said court, within ten days thereafter, which report, if confirmed by said court, judgment shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of the said viewers and appraisers to take into consideration, in estimating such injury or damages, the advantages to be derived by said owner or owners of said lands by means of said railroad or railroads: *Provided*, That either party may appeal to the court of Common Pleas of the proper county, within thirty days thereafter, in the same manner as appeals are made in other cases.

Proviso.

SECTION 11. 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.

Power to construct railroads.

SECTION 12. The company hereby incorporated shall have power to construct railroads, with one or more tracks, from any point or points on their lands, to intersect the Little

Schuykill and Susquehanna railroad, at such places as they may deem most convenient, or any other railroad leading to the public improvements : *Provided*, That the said company shall not prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads and to connect them with said railroad or railroads from their said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the following rates of toll, that is to say : on each ton of produce, coal, or other minerals, or any other goods, wares, merchandise or commodities of any kind whatsoever, not exceeding two and one half cents per ton per mile ; on each horse not employed in drawing a carriage or car on which toll is charged, one cent per mile ; on each horse and its rider not exceeding one cent per mile ; on every person drawn in a car or carriage, other than the rider, not exceeding one cent per mile ; and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton, and all fractions of half a mile in distance to be rated at half a mile ; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads, for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals, transported on said road or roads, in consideration of which he shall, at all reasonable times when so requested, exhibit to any person or persons interested therein, the account of the said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof without any other fee or reward, and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines, and that the turn-outs for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads, 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 or roads free and open for the uninterrupted passage of the cars of every person desiring to travel thereon.

Continuance  
of act.

SECTION 13. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and fifty eight: *Provided*, That it shall be lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, whenever in their opinion the public good requires the same, upon failure of the corporators to comply with any or every part of this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER,

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No. 89.

*An Act*

To authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes.

Committee  
authorized  
to convey  
certain real  
estate of Mi-  
chael Fox,  
on ground  
rent.

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 R. Vogdes, committee of the estate of Michael Fox, or his successors in that office, be, and he or they are authorized and empowered to convey and assure on ground rent, the following real estate of the said Michael Fox, to wit: all that certain lot or piece of ground, situate on the east side of Broad street, at the distance of two hundred and forty-three feet northward from the north side of Race street, in the city of Philadelphia, containing in front or breadth on the said Broad street twenty feet, and extending of that breadth in length or depth eastward one hundred feet to a thirty feet wide court called Lybrand street, leading northward from the said Race street; also all that certain lot or piece of ground, situate on the east side of Lybrand street, at the distance of two hundred and thirteen feet six inches northward from the north side of Race street, in the said city, containing in front or breadth on the said Lybrand street thirty-three feet, and extending of that breadth in length or depth eastward sixt