

or less, and adjoining land of John Young, Adam Mark, and others, where there is a house erected, and to make good and sufficient assurances in law to the purchaser or purchasers thereof. And the proceeds arising from said sale shall be re-invested by the said John G. Conser, John Wise, Jonathan Spangler, or any two of them, and applied to the purchase of a house and lot of ground at a more suitable and convenient place on said circuit, for the residence of the said travelling preacher, and the same shall be held by them and their successors in trust for the use aforesaid. *Provided*, That the said trustees before they enter upon the execution of the powers and authorities hereby granted, shall give bond with security in a sufficient amount, to be approved by the President Judge of the court of Common Pleas of Centre county, for the due and faithful execution of the same.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—This fourth day of June, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 110.

AN ACT

To incorporate the Western Pennsylvania Coal 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 Robert Falconer, Solomon Sartwell, jr., Alonzo J. Wilcox, and Thomas Struthers, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the Western Pennsylvania Coal company, for the purpose of mining coal, and for transacting the usual business of companies engaged in mining coal, and transporting to market, and selling the same; and the said corporation, by the said name and style, 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

Banking prohibited management, consistent with the laws of the United States, and of this state; and generally to do and execute, for the well being of said company, whatever shall pertain to such bodies politic: *Provided*, That nothing herein contained, shall be considered as in any way giving said company banking privileges; but they shall be strictly confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act.

May hold and SECTION 2. The said company shall have the right, by purchase or lease, to hold, possess, and enjoy any quantity of land not exceeding two thousand acres, at any one time, in the counties of Warren and M'Kean, and the same to sell or otherwise dispose of, as the interests of the company may require: *Provided*, That said two thousand acres shall not be in more than five separate and distinct bodies: *And provided also*, That the company may hold, as above, such lot or lots, not exceeding five acres, in any one place, as may be found convenient as places of deposite in transportation and sale of the products of their mines, and for other necessary purposes connected with their business.

Capital stock employment of SECTION 3. The capital stock of said company shall consist of one hundred thousand dollars, and shall be divided into two thousand shares, of fifty dollars each, which capital stock shall only be employed in purchasing and holding the lands aforesaid, with the improvements, if any thereon, making the necessary explorations for coal, and mining the same, and in constructing rail-roads, or such other improvements, buildings, cars, boats, engines, and machinery, as may be found necessary and useful for mining coal, transporting, selling, and disposing of the same, and in the payment of such salaries, wages, and other expenditures, as shall be necessary for the aforesaid purposes of the company, and the said stock shall be transferable according to such rules as the board of directors shall establish.

How transferable

When letters patent to issue SECTION 4. When the above named Robert Falconer, Solomon Sartwell, jr., Alonzo J. Wilcox, and Thomas Struthers, and their associates shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than ten per cent. thereof in the purchase of lands, and 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 Robert Falconer, Solomon Sartwell, jr., Alonzo J. Wilcox, and Thomas Struthers, and their associates, successors, and assigns, into one body politic, by the name, style, and title of the Western Pennsylvania coal company.

SECTION 5. The affairs of the said company shall be managed by five directors, to be chosen annually from the stockholders, the first election shall be held at Warren, within thirty days after the letters patent shall have issued, of which election public notice shall be given by three, at least, of the corporators hereinbefore named, at least two weeks prior thereto, in one newspaper printed in Warren, and one paper printed in M'Kean county, if there be papers printed in each of said counties, and in case no papers should be printed in one of said counties, then in one or more papers printed in the other of said counties will be deemed sufficient, and the subsequent elections shall be held annually thereafter, at such convenient time and place as the directors may determine, of which thirty days previous notice shall be given in like manner by the president, or any three of the directors of said company, and the directors shall hold their offices for one year, and until the election of their successors.

SECTION 6. The election of directors shall be by ballot, and each stockholder shall be entitled to vote according to the number of shares held by him, 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, 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 the right of voting which has been transferred within three calendar months prior to the day of voting, 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 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 the twenty-eighth day of March one thousand eight hundred and twenty, entitled "an act to regulate proxies."

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 the 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, and at all meetings of the board three directors shall form a quorum to transact business.

SECTION 8. The directors may, from time to time call in, upon thirty days notice thereof, in the newspapers of Warren and M'Kean counties as hereinbefore provided for notices of

election, 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.

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, any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividends 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 stock so divided, and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he will forthwith give public notice to the stockholders of the declaring of such dividends.

SECTION 10. Any legal process served on any agent or manager of said company, is hereby declared to be as good to all intents and purposes, as if served upon the president and directors thereof.

SECTION 11. The company hereby incorporated shall have power to construct a rail road with one or more tracks from any point on their lands, to intersect the Allegheny river at any point within the counties of Warren and M'Kean, and any rail road which may be made through the counties of Warren and M'Kean, or Jefferson, at any point which they may deem most convenient, and for that purpose they may increase their capital stock to such sum as may be necessary to construct said rail road, and said company shall have the same power and immunities, and be subject to the same terms and conditions that are provided in the act to incorporate the Wyoming Coal company.

SECTION 12. The legislature reserves the right to limit, alter, amend, and repeal this act at pleasure. This act shall continue, and be in force until the first day of May, in the year of our Lord eighteen hundred and sixty-four.

SECTION 13. That if the said company shall not before the end of three years present to the Legislature, satisfactory proof that it has gone into operation according to the true intent and meaning of this act, all the rights and privileges granted by this act shall cease, but the said company shall not thereby be

Dividends

Not to impair capital stock

Service of process

May construct railroad

May increase capital stock

Right to repeal

Duration

Conditions to be performed

Penalty

released from any obligations which it may have contracted as a company.

WM. HOPKINS,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—This fourth day of June, Anno Domini, eighteen hundred and thirty-nine,

DAVID R. PORTER.

No. 111.

SUPPLEMENT

To an act, entitled "An act, supplementary to a resolution relative to the claim of Brown and Sawyers, passed the thirty-first day of March, one thousand eight hundred and thirty-six, and for other purposes," passed the sixteenth day of April, Anno Domini, eighteen hundred and thirty-eight.

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 Torrey, Zenas H. Russell, Abiram Winton, Samuel S. Jessup, John Neal, Amory Prescott, Joseph B. Walton, Daniel P. Fuller, Hastings Frisbie, Russel F. Lord, Thomas H. R. Tracy, John D. Delezenne, and Richard L. Seely, be, and they hereby are appointed and confirmed as directors of the Wayne County Mutual Insurance company, of Wayne county, until other directors are duly elected or appointed in accordance with the by-laws of said company; and that all the acts of the said directors hitherto in organizing or managing, and conducting the affairs of said company, not inconsistent with the constitution and laws of this commonwealth, are hereby declared to be valid.

SECTION 2. No judgment which has been, or hereafter may be entered by the directors of the Wayne County Mutual Insurance company, for the purpose of creating a lien on the real estate of any person insured with, or by said company, as authorized by the tenth section of the act to which this is a supplement, shall operate to deprive such person so insured,

Directors of
Wayne Co.
Mutual Insur-
ance compa-
ny, acts con-
firmed

Privileges of
freeholders
not to be af-
fected by
judgments