

No. 290.

AN ACT

To perpetuate evidence in certain cases therein named, and relative to taxing the Chartiers coal company.

Preamble.

WHEREAS, Daniel B. Stewart executed to Jacob L. Jayne a certain deed of assignment, conveying to said Jayne all the right, title and interest of the said Stewart in and to a certain invention of a lamp for burning lard, of which one Jesse Neal was patentee, for the counties of Luzerne and Wyoming, bearing date the second day of January, Anno Domini, one thousand eight hundred and forty-two, and agreed to have a deed legally made and delivered to said Jayne, conveying to him the sole right of making, using and vending the said lamp in the counties of Wyoming and Monroe, for and in consideration of which the said Jacob L. Jayne and William S. Jayne executed and delivered to said Stewart two certain notes or writings obligatory in the sum of one hundred dollars each :

And whereas, The said promissors or obligors not having since heard from the said Stewart or the said notes or writings obligatory, and having a just defence thereto; therefore, for the purpose of perpetuating the evidence in relation thereto,

Lawful for defendants in suits hereafter brought upon said notes to give in evidence any deposition which they have heretofore taken, or may hereafter take, under oath, &c. Proviso.

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 it shall be lawful for the defendants, in any suit or suits that may hereafter be brought upon either or both of the said notes or writings obligatory, to give in evidence any depositions which they have heretofore taken or may hereafter take, under oath or affirmation duly administered by a person having power to administer such oath or affirmation, and properly reduced to writing by him, although no rule has been or can be, under existing laws, entered for the taking of the same, and although no notice has been or can be served upon the adverse party: *Provided,* That the said depositions shall not be received in evidence if any of the witnesses, whose depositions may have been taken as aforesaid, shall be within the jurisdiction of the court where such suit or suits shall be tried, or if his, her or their attendance can be procured by the exercise of reasonable diligence on the part of the said defendants.

Dividends of the profits of the Chartiers coal company exceeding ten per cent. per annum, to be subject to certain tax.

SECTION 2. That all dividends of the profits of the Chartiers coal company exceeding ten per cent. per annum, shall be subject to a tax for the use of the commonwealth, at the rate of twenty-five per cent. upon all such excess; and the proviso to the ninth section of the act incorporating said company, be and the same is hereby repealed.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.