

through any out building of the value of three hundred dollars, without such consent: *Provided*, That the said rail-road shall be made single or double, so as to accommodate the trade ascending, as well as descending the same.

2: sections of Lorberry creek company applied to this company

SECT. 4. *And be it further enacted by the authority aforesaid*, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth sections, of "An act to incorporate the Lorberry creek rail-road company," be and they are hereby re-enacted, as applicable to and binding upon the company hereby incorporated.

Annual report to Auditor General.

Tax on dividends.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president or secretary of the said company, shall annually on the first Monday of December, 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 six per centum on the capital stock actually paid.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 175.

AN ACT

To incorporate the Roush creek rail-road company.

Commissioners appointed to open books.

SECT. 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 Nathan Bunker and Jacob Mayland, of the city of Philadelphia, Daniel D. B. Keim and Peter Eckert, of Berks county, Samuel Hain and William Graeff, of the county of Schuylkill, or any two of them, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first Monday of May next, procure three books, one of which shall be opened at the coffee house, in the city of Philadelphia, one at the house of Thomas Kep-

ple, in Reading, Berks county, and one at the house of Henry W. Conrad, in Pinegrove, Schuylkill county, 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 Roush creek rail-road company, the sum of fifty dollars, for every share of stock set opposite to 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 the general assembly of this commonwealth, entitled 'An act to incorporate the Roush creek rail-road company.' Witness our hands, the day of , in the year of our Lord, one thousand eight hundred and thirty ;" and shall thereupon give notice, in one newspaper printed in the counties of Berks and Schuylkill, and city of Philadelphia, 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 authorise 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 two hundred and forty 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 two hundred and forty 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: *Provided*, That no person shall be permitted to subscribe for more than five shares on the first day, and not more than five shares on the second day, after which any person may subscribe for any number of shares, until the whole of the stock is taken.

Form of subscription.

\$50 per share.

Notice.

Whole No. of shares 240.

Proviso. No. limited 1st and 2d days.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when one hundred shares, or more, of the said stock shall be subscribed, and the sum of five dollars 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, 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

When 100 shares are taken and \$5 paid on each Governor to incorporate.

Style. politic and corporate, in deed and in law, by the name, style and title, of the "Roush creek rail-road company;" and by the same name the subscribers shall have perpetual succession, 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, land, 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 to 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 commonwealth; 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: *Provided*, That nothing herein contained, shall be considered as in any way giving to the said corporation, any mining, trading, transporting, or banking privileges, whatsoever; or any other liberties, privileges or franchises, but such as may be necessary or incidental to the making of the said rail-road: *Provided further*, That the said company shall at no time hold or possess any coal land, for the purpose of carrying on the coal trade.

Privileges and liabilities

Seal.

Proviso. Debarred from certain privileges.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the president, managers and company, of the said rail road company, shall have power to survey, lay down, ascertain, mark and fix, such route as they shall deem expedient for a single or double rail-road, from the northern end of the Union canal company's rail-road, up Roush creek, to a point near its source most suitable, in the heart of the coal region, in the county of Schuylkill; having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than sixty feet wide, and shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof; nor shall it pass through any outbuildings of the value of three hundred dollars, without such consent: *Provided*, That the said rail-road shall be made single or double, so as to accommodate the trade ascending, as well as descending the same.

Location of rail-road.

Proviso. Two tracks.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth,

seventeenth, eighteenth, nineteenth, twentieth, twenty-first, ^{21 sections of} twenty-second, twenty-third, and twenty-fourth sections of Lorberry creek company binding on this. the "Act to incorporate the Lorberry creek rail-road company," be, and they are hereby re-enacted, as applicable to, and binding upon the company hereby incorporated.

SECT. 5. *And be it further enacted by the authority of* *foresaid,* That the president or secretary of the said company, shall, ^{Annual re-} annually on the first Monday of December, transmit to the ^{port to Audi-} Auditor General, a full statement, under oath, of the said ^{tor General.} company; and that the said company shall pay, to the commonwealth, a tax of eight per centum on all dividends ^{Tax on divi-} which may exceed six per centum on the capital stock ac- ^{dends.} tually paid.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 176.

AN ACT

To incorporate the trustees of the township and borough of Wilkesbarre, the trustees of the township of Plymouth, and the trustees of the township of Hanover, in the county of Luzerne.

WHEREAS, the original proprietors of the townships of ^{Preamble.} Wilkesbarre, Plymouth, and Hanover, of the seventeen townships, in the county of Luzerne, surveyed and laid out certain lots of land in said townships, and appropriated the same to the religious, literary and charitable uses of the said townships; and since the year one thousand eight hundred ^{committees} committees have annually been appointed by the resident, proprietors of the respective townships, to take care of and lease the said lots of land: *And whereas,* the commissioners appointed under the act offering compensation to Pennsylvania claimants, passed the fourth day of April, one thousand seven hundred and ninety-nine, and the supplements thereto, issued certificates to the committees for the time being for the said lots in trust for the use of the proprietors of said townships, and the annual commit-