

ceeding which, by virtue of this act, shall be removed to the said district, and he shall account for and pay the same, when received, to the persons respectively entitled thereto.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

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

GEO: WOLF.

No. 165.

AN ACT

To authorize the Governor to incorporate a company for making a turnpike road from the borough of Pottsville, in Schuylkill county, to Mauch Chunk, in Northampton county.

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 Thomas S. Ridgway, Martin Weaver Lawton, George Reber, John Franklin, James M. Porter, Benjamin Needham, Jacob Hertz and Isaac T. Dodson, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first day of September next, procure two books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Pottsville and Mauch Chunk turnpike road company, the sum of twenty-five dollars for every share of stock in said company 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 said company, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An act to authorize the Governor to incorporate a company for making a turnpike road from the borough of Pottsville, in Schuylkill county, to Mauch Chunk in Northampton county, and for other purposes, witness our hands, the day of _____ in the year of our Lord, one thousand eight hundred and _____ and thereupon shall give notice, in two or more of the public papers, printed in the counties of Schuylkill and Northampton, for twenty days, at least, of the time and places when and where the said book shall be opened to receive subscriptions for the stock of the said

Commiss'rs.

Form of subscription.

Shares \$25 each.

Duties of commiss'rs.

Who may
subscribe.

Whole No. of
shares 500.

Proviso.

§2 to be paid
at the time of
subscribing.

Charter may
issue when
20 persons
have subscri-
bed 250
shares.

Style of cor-
poration.

Capacities &
privileges.

company, at which times and places one or more of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names or in the names of any other persons who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have five hundred shares therein subscribed, and if at the expiration of the said six days, the books aforesaid shall not have the said number of five hundred shares therein subscribed, the commissioners, respectively, may adjourn from time to time and transfer the said books from place to place, until the whole number of 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 subscribed shall amount to five hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own or any other name, shall previously pay, to the attending commissioner or commissioners, the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

SECTION 2. When twenty persons, or more, shall have subscribed two hundred and fifty shares of the said stock, the said commissioners, respectively, may, or when the whole number of shares aforesaid shall be subscribed, they or a majority of them shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of this Commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent under his hand, and the seal of the State, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "President and managers of the Pottsville and Mauch Chunk turnpike road company," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments

and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice, in two of the public papers printed in the counties of Schuylkill and Northampton, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, eight managers, one treasurer, and such other officers as may be necessary to conduct the business of said company, for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this Commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always,* That no persons shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

Organization
of the corpo-
ration.

Election of
officers, &c.

Proviso.

Right of
entry upon
lands, &c.

Privileges &
liabilities.

SECTION 4. It shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or track for the said road as, in the best of their skill and judgment, will combine shortness of distance with the most practicable ground; and generally they shall have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toll and profits, in proportion to the distance, as are given and granted to the president and managers and company of the Coshecton and Great Bend turnpike road, in and by an act of Assembly of this Commonwealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

SECTION 5. The president and managers of the said road shall make, or cause the same to be made not less than thirty, nor more than fifty feet in width, and at least twenty feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots and removed from

Width of road

Materials.

the road, which shall, when the original location is level or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand, or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect permanent bridges, with sufficient abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Time of commencement & completion

SECTION 6. If the said company shall not proceed to carry on the said work within five years after the passing of this act, or shall not within five years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises, hereby granted, shall revert to the Commonwealth.

WM. PATTERSON

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.

No. 166.

AN ACT

To exempt from taxation the property of the Franklin Institute of the State of Pennsylvania for the promotion of the mechanic arts.

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 hall of the Franklin Institute of the State of Pennsylvania for the promotion of the mechanic arts, together with the lot of ground whereon the same is erected, situate on Seventh-street, in the city of Philadelphia, be and the same hereby is and shall be exempted from all county, city or corpo-*