

chaser or purchasers, of all such interest as said minors may have in said lot: *Provided*, That before any such sale is *Proviso*, made, the said guardian shall give bond, in such sums, and with such security as the Orphans' court in and for the said county of Cumberland shall approve, upon condition that he will faithfully account for the proceeds of said sale.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

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

JOS : RITNER.

No. 110.

An Act

To incorporate the Lewisburg, Penns Valley and Hollidaysburg Railroad 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 Simon Gratz, George Handy, William H. Keating, Joseph T. Mather, Mathew C. Ralston, Robert McAfee, T. M. Moore, John Oakford, Montgomery P. Young, of Philadelphia, James Cameron and George Lewis Mayer of Lancaster, Robert Hays, H. S. Graham, Abbott Green, Paul Geddes, John Ray, Henry Yerick, John F. Wilson, Henry Roush, Frederick Pontius, John Glover, Thomas Weirick, Robert G. H. Hays, Samuel Reber, James Keller, Peter Nevins, J. F. Linn, Daniel Spigelmyer, Samuel Haupt, Jacob Maise, Jackson M. Fadden, William Cameron, George Maxwell, Jonathan Spiker, George F. Miller, Philip Ruble, Daniel Renchler, Levy B. Christ, Henry Noll, Jonathan Nesbitt, William H. Harris, Michael Roush, William Eilert, Charles Bellman, James Merrill, Isaac S. Vorse, Samuel Dreisback, Israel Gutelius, James Madden, David Kleckner, William Forster, William Senseman, John Forster, John Vanvalzah, Joseph R. Lotz, Philip*

Commission-
ers. Seibold, Alexander M. Clure, Joseph Hutchison, and Samuel Aurand of Union county, John Motz, James Duncan, John Forster, George Hubler, Jacob Bolinger, Jacob Kryder, Jacob Neidig, James Allison, Philip B. Moser, John Shafer, George Reitzel, John Forster, jr., William Allison, David Duncan, George Buchanan, D. W. S. Kook, Peter Wilson, George Herring, James Barber, Daniel Kline, William J. Wilson, Andrew Gregg, James Potter, William Ward, James Johnston, John Irwin, George Sheneberger, George Boal, Robert A. Whitehill, John Mitchell, Joseph Green, M. D. Gregg, Charles Carpenter, Daniel O'Brien, John Barran, William Bailey, John Campbell, Henry Hubler, John Bell, John Keller, Philip Ritzel, Anthony Wolf, Jacob E. Stoever, William Roush, Samuel Strawecker of Centre county, William Murray, David Stewart, Thomas Wallace, Gilbert L. Lloyd, Robert G. Stewart, Maxwell Kinkhead, James Clark, John S. Isett, Edward Bell, James Crawford, Peter Hewet, Christian Garber, Hon. Joseph M. Keene, Doctor James Coffee, William Donaldson, John David, James M. Cahan, John Brotherline, Robert M. Kee, Joseph Keup, Jacob Snyder of Hollidaysburg, Alexander W. Vicker, Philip Hileman, John Weistling, and David H. Moore of Frankstown, and Thomas Loyd, Jr. and James Thompson of Birmingham, William Nesbit, Robert H. Hammond, James Hepburn, C. G. Donnell, A. Jordan, Hugh Bellas of Northumberland county, and of Huntingdon county, or a majority of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall procure a sufficient number of suitable books, 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 Lewisburg, Penns Valley and Hollidaysburg railroad 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 Lewisburg, Penns Valley and Hollidaysburg railroad company;'. Witness our hands, this day of , in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice, in two newspapers printed in each of the counties of Union, Centre and Huntingdon, and two daily papers in the city of Philadelphia, three 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 the 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 name, or the

To procure books.

Form of subscription.

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Notice.

Who may subscribe.

name of any other person who shall authorize the same, for any number of shares in the 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 there shall have been subscribed fifteen thousand 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 fifteen thousand 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; but no subscription shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company: *Provided*, That on the first day the books shall be so opened, no person shall be permitted to subscribe, in his own name, or in the name of another, for more than twenty shares of the said stock.

SECTION 2. When four thousand shares or more of the said stock shall be subscribed, and five dollars on each share paid to the commissioners, the said commissioners, or a majority of them, may certify the same under oath or affirmation, to the Governor, whereupon, the Governor shall, by letters patent, under his hand and the 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 politic and corporate, in deed and in law, by the name, style and title of "The Lewisburg, Penn's Valley, and Hollidaysburg railroad 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, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal or mixed, of whatever 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,

Proviso. 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 banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad.

Route, **SECTION 3.** The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at Lewisburg, in Union county, through Buffalo Valley and Penn's Valley, to a point at or near the eastern termination of the Portage railroad, having due regard to the situation or 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 pass through any burying ground nor place of public worship; the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened.

Map. **SECTION 4.** The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, one thousand eight hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made a part of this act, as fully and effectually as if the same had been enacted section by section: *Provided*, That the mode of ascertaining damages, provided for in the twelfth section, shall be made in the county where they occur.

Proviso. **SECTION 5.** That the president and managers of the aforesaid company, shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the state treasury, a tax of eight per cent. on all dividends which exceed six per cent. on the stock paid in.

Statement to Auditor General. **SECTION 6.** That the survey directed to be made by the ninth section of the act entitled "An act to repeal the state tax on real and personal property, and to continue and extend the improvements of the state by railroads and canals, and to charter a state bank, to be called the United States Bank," passed the eighteenth February, eighteen hundred and thirty-six, of the practicability and importance of constructing a railroad from Lewisburg to or near Waterstreet,

Survey to terminate at Hollidaysburg, instead of Waterstreet.

be and the same is hereby directed to terminate at or near Hollidaysburg, instead of Waterstreet, as mentioned in said act, and the estimate and report to be made accordingly.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.

No. 111.

An Act

For the relief of James Caldwell, surviving partner of the late firm of Caldwell and Nice, contractors on the Eastern Division of the Pennsylvania canal.

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 Canal Commissioners be, and they are hereby authorized to settle and adjust the claim of James Caldwell, surviving partner of the late firm of Caldwell and Nice, contractors for constructing the outlet locks at Columbia, on the Eastern division of the Pennsylvania canal, upon principles of justice and equity, and that the Auditor General is hereby authorized to audit the same in the way and manner other claims are presented and audited.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.