

mence on the first day of January, one thousand eight hundred and thirty-six; these gratuities and annuities to be paid in conformity to the existing laws, by the treasurer of York county.

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. 151.

An Act

The Towanda and Franklin 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 Elisha S. Goodrich, E. R. Utter, Arabel Gray, Thomas Elliot, Enos Tomkins, Lemuel S. Elsworth, Hiram Mix, David F. Barstow, Eliphalet Mason, Nehemiah Allen, William B. Spalding, Nathan Wilcox, William P. Spalding, Irad Wilson, David Durfey, Victor E. Piolett, Luman Kellogg, John N. Weston, Joseph C. Powell, Barton Kingsbury, Jesse Woodruff, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, 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 Towanda and Franklin 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 pur-

Commission-
ers to open
books.

Form of sub-
scription.

suance of an act of the general assembly of this common-
 wealth, entitled 'An act to incorporate the Towanda and
 Franklin 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 the county of Bradford, and one
 daily paper 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 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 ten thousand shares;
 and if at the expiration of six days, the books aforesaid
 shall not have the number of shares aforesaid therein sub-
 scribed, the said commissioners may adjourn from time
 to time, and transfer the book or books elsewhere, until the
 whole number of ten thousand shares shall be subscribed, of
 which adjournment and transfer the commissioners afore-
 said 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.

Who may subscribe.
 10,000 shares
 May transfer books.
 \$5 to be paid on each share

Commiss'rs. - SECTION 2. If more than ten thousand shares shall be
 subscribed in the time specified in the first section, to the
 capital stock of the said company, the said commissioners,
 or a majority of them, shall reduce the subscription to ten
 thousand shares, by striking off from the largest number of
 shares in succession, until the subscription shall be reduced
 to ten thousand shares, or each of the subscriptions to one
 share; and if there shall be still an excess, then lots shall
 be drawn by the commissioners to determine who shall be
 excluded.

When letters patent may issue. SECTION 3. When one 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 affir-
 mation, to the Governor, whereupon the Governor shall, by
 letters patent, under his hand and the seal of the common-
 wealth, create and erect the subscribers, and if the subscrip-
 tion be not full at the time, then also those who shall there-
 after 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 "Towanda and Franklin 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, them and their successors, lands, 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 banking privileges whatever, of any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad: *Provided*, That the said company shall at no time hold or possess any land for any other purpose than the construction of the said railroad, or for toll houses, depots, weigh houses, or other necessary works.

SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, 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 though the same were enacted herein section by section: *Provided*, That the damages accruing in making said road, shall be assessed in the county where they occur, and the legislature reserves the right to intersect the said railroad by means of lateral railroads, at any point or points thereof, or to grant such right to any citizen or citizens of this commonwealth, or to any company incorporated by any law of this commonwealth.

SECTION 5. 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 the borough of Towanda, in Bradford county, and to extend to the coal

mines in Franklin township, in said county, and with the right to extend said road, or to construct lateral railroads therefrom, to such coal mines in said township, or its vicinity, as they may from time to time find expedient, and also with the right to extend the same so as to form a junction with the Williamsport and Elmira railroad, at such part thereof as they may find practicable, 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, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out-building of the value of three hundred dollars without such consent; and 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, and all the expenses incurred thereby shall be defrayed by said company.

May connect with Williamsport and Elmira railroad.

Map or plot to be filed in the Secretary's office.

May purchase the necessary lands etc.

Shall transmit to Auditor Gen'l. an annual statement.

\$2,000 appropriated to survey of route for railroad from Laughlinstown to Pittsburg.

SECTION 6. It shall and may be lawful for the company hereby incorporated, to make, erect and establish a single or double track railroad, on the route laid out as aforesaid, and they are also hereby empowered to make and establish all works, edifices and devices to such railroad as may by the said company be deemed expedient, for the purposes of carrying into effect the objects of their incorporation, and also, to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

SECTION 7. That the president and managers of the first aforesaid company shall annually, on the first Monday of December, in each year, transmit to the Auditor General, under oath, a full statement of their affairs, and shall pay annually into the treasury of this commonwealth, a tax of eight per centum on all dividends which may exceed six per cent. on the capital stock paid in.

SECTION 8. That it shall be the duty of the Canal Commissioners to cause to be made by a competent engineer, a survey and estimate, and report to the next legislature, of the practicability and importance of constructing a railroad from the base of Lamel Hill, at or near the village of Laughlinstown, in Westmoreland county, by way of Greensburg, or as near thereto as practicable, to the city of Pittsburg, for which the sum of two thousand dollars is hereby specifically appropriated.

SECTION 9. The legislature reserves the right to reduce and

regulate the tolls authorized by this act, and reserves the right to purchase said road, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

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

JOS: RITNER.

No. 152.

An Act

To incorporate the president and trustees of the Presque Isle Hospital at Erie, Pennsylvania, and to exempt from county and township taxation, the property of the contributors to the asylum for the relief of persons deprived of their reason, in the county of Philadelphia, and to incorporate the Southern Loan company of Philadelphia.

WHEREAS, a number of physicians, surgeons, and other citizens, have associated for the purpose of establishing a general hospital at Erie, in the commonwealth of Pennsylvania, and are desirous of becoming incorporated; Therefore,

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 Chauncey Fitch Perkins, William Johns, Tabor Beebe, William M. Wallace, Rufus Hills, Jacob Vosburg, A. Beebe, William Kelley, Charles M. Reed, George A. Elliott, Thomas H. Sill, John Riddell, Robert Reid, Elijah Babbitt, George A. Lyon, Daniel Dobbins, Robert Cochran, Bennet Glover, Peter S. V. Hamot, James S. Clark, George Moore, George H. Kellogg and Henry L. Harvey, and their associates and successors, be and they are hereby created, constituted and declared to be a body corporate and politic, with perpetual succession, by the name and style of the president and trustees of the Presque Isle

Trustees.