

vicinity of the line of their said railroad and tunnel, not exceeding two thousand acres.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 180.

An Act

Authorizing the Governor to incorporate the Huntingdon and Chambersburg 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 William Orbison, sen., Peter Swoope, jr., James M. Bell, William Williams, Matthew Wilson, sen., John Ashman, John Lutz, John Long, William Pymon, Samuel Findlay, John Blair, General Samuel Dunn, Thomas G. M'Culloch, Nathaniel Kelley, Dr. Jacob Hoffman, Jacob Miller, Benjamin Elliott, Kinsey L. Green, Abraham Wright, Caleb Greenland, John Stever, William M'Gee, James Entriken, Nathaniel Greenland, Elija Corbui, Esq., George Hudson, John Parks, George M'Culloch, William H. Keating, William S. Spackman, John Price Wetherill, Joseph M'Ilvaine, Henry White, James M'Murtrie, Simon Gratz, Bela Badger, Dr. John A. Elkinton, John Townsend Smith, of Philadelphia, and John M'Cahan, Jacob Africa, Dr. John Henderson, Robert Allison, Henry L. M'Connell, William Steel, sen., Patrick Given, Martin Graffius, and John Simpson, of Huntingdon, Thomas Carson, John D. Work, David Fullerton, and James Dunlop, of Franklin county, 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

Commissioners.

procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Huntingdon and Chambersburg railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Huntingdon and Chambersburg railroad company;' Witness our hands, the day of , Anno Domini, one thousand eight hundred and thirty- ;" and shall thereupon, give at least twenty days previous notice, in three newspapers printed in the county of Huntingdon, and in three newspapers printed in the county of Franklin, and in two or more of the daily papers printed in the city of Philadelphia, of the times when, and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall be subscribed in the said books two thousand shares, and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to require, 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.

SECTION 2. When two thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, 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 those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "The Huntingdon and Chambersburg railroad company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may

- purchase, receive, have, hold and enjoy, to them, their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal, or mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, 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 of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed, as giving to the said corporation any banking privileges, or any other liberties, privileges, or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.
- Seal.**
- Proviso.**
- Organization of the comp'y** SECTION 3. For the management of the affairs of the said corporation, nine directors shall be elected, by ballot, annually, by the stockholders of the said company, the votes to be delivered in person, or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors, and that every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and also, that in all cases of elections for directors, the nine stockholders having the greatest number of votes, shall be declared duly elected.
- Proviso.**
- Right of suffrage.** SECTION 4. No share of stock shall be entitled to a right of suffrage, which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears, absolutely and bona fide, to his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation, or society, of which he or she may be a member, and not in trust for the use and benefit of any other person; that no share or shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election, or at any general or special meeting of the

said company, on which any instalment or arrearages, may have been due and payable more than twenty days previously to the said election or meeting; and that all votes by proxy, shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented. Proxies.
Proviso.

SECTION 5. The aforesaid commissioners, or a majority of them, shall, as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous public notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing nine directors, as provided for in the preceding sections, and that annually thereafter, the said stockholders shall meet on the second Monday in January, for the purpose of electing directors, as aforesaid, upon a like previous notice, to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause, such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy, from death, or resignation of any director, his place shall be filled by the board of directors. Notice of the
time and
place of hold-
ing first elec-
tion.
Annual elec-
tion.
Proviso.
2d Proviso.

SECTION 6. The said directors shall meet at such times and places, and be convened in such manner, as they may hereafter agree upon; five directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tempore; the said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective share, and to forfeit to the use of the company, the share or shares of every person failing to pay any instalment so required; to regulate tolls, to make such covenants, contracts and agreement, with any person, partnership, or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general, to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company. Meetings of
the directors.
Quorum.
Powers of the
directors.

Certificates of stock. SECTION 7. The directors first chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however, to all the payments due and to grow due thereon, which stock shall be transferrable in person or by attorney, executor, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws.

Annual statement of affairs. SECTION 8. At each annual meeting of the stockholders, the directors of and preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called, by order of the directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover, the object of the meeting, but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend; in person or by proxy.

Location and route. SECTION 9. The said company be and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from a suitable point within the borough of Huntingdon, in the county of Huntingdon, by the shortest and best route, to a convenient point at or near the town of Loudon, in the county of Franklin, and to make, construct, and erect such depots, toll-houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company in the use of the said railroad.

Comp'y. may enter upon any lands, possess and use the same on certain conditions. SECTION 10. It shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of the said railroad, doing thereto no unnecessary damages, and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, and also, to take from any land in the neighborhood of said railroad, gravel, stone, wood and materials, for the purpose of constructing or maintaining said railroad, subject however, to such compensation as the said company may have agreed to pay therefor, as shall be ascertained, in manner hereinafter respectively directed.

Mode of valuing the land occupied and all damages sustained by the owner. SECTION 11. When the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or where, by reason of legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, the court of Common Pleas for the proper county, on application thereto by or on behalf of either party,

and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter, and the sheriff, upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties, and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation, that "he will faithfully, justly, and impartially value the land occupied or required for such railroad or other works, and all damage which the owner or owners shall sustain, or may have sustained, by reason of the construction of the said railroad and other works, taking into consideration the advantages, as well as the disadvantages of the same to the said owner or owners, according to the best of his skill and judgment, and in the case of materials taken for the purpose aforesaid, that he will faithfully, justly, and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company, to the said owner or owners, taking into consideration the advantages, as well as the disadvantages arising from the construction of such railroad and other works, to the said owner or owners, according to the best of his skill and judgment; whereupon, the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict, signed by the sheriff, and at least seven of the jury, shall be returned by the sheriff, within five days thereafter, to the prothonotary of the said county, who shall file the same, and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the Orphans court, for the valuation of lands of an intestate, under the intestate laws of this commonwealth.

SECTION 12. Either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding sections, within twenty days after the same shall be returned and filed by the prothonotary, as aforesaid, which exceptions shall be heard by the court of Common Pleas of the proper county, who may either affirm or set aside the same, as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside

Right to
make excep-
tions to any
verdict.

by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided*, That upon the subsequent proceedings, if the party excepting does not recover a verdict more favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Passages across the railroad. SECTION 13. It shall be the duty of the said company to construct and keep in repair, good and sufficient passages across the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons, and cattle along the said roads, shall not be obstructed, and also, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage, for the use of said farm.

Tolls. SECTION 14. On the completion of the said railroad, or any part thereof, the same shall be esteemed a public highway, for the conveyance of passengers, and transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors, and it shall and may be lawful for the said company, to demand and receive such sum or sums of money for tolls, of persons and property, as they shall from time to time think reasonable; *Provided*, That the toll on any species of property shall not exceed six cents per ton per mile, nor upon passengers more than four cents each per mile.

Penalty for defrauding the company. SECTION 15. If any owner or driver of any car, carriage, wagon, or conveyance, upon the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Dividends twice a year. SECTION 16. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired, and if the said directors shall make any dividends which may impair the capital stock of the said company, those of them consenting thereto, shall be liable in their individual capacities to the said company, for the amount of stock so divided, and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stock-

Liability of directors.

holders, at the declaring such dividend; that the president or secretary of the aforesaid company, annually, on the first Monday in December, shall transmit to the Auditor General a full statement of the affairs of said company, under oath, and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends, when they exceed six per centum on the capital stock actually paid in.

SECTION 17. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 18. If any person or persons shall wilfully and knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she, or they, shall forfeit and pay to the said company three times the actual damage thereby sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name, and for the use of the company.

SECTION 19. If the said company shall not commence the construction of said railroad, within the term of six years from the passage of this act, or if said company shall not complete the said railroad within the term of ten years from its actual commencement, or if after the completion of the said railroad, said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall be null and void, except so far as compels said company to make reparation for damages.

SECTION 20. If any increase of the capital stock be deemed necessary by the stockholders, to complete the said railroad, or to lay another track, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that they shall not in the whole exceed ten thousand, and to receive and demand the monies for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or shall be provided for by their by-laws.

SECTION 21. If at any time said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby

granted to said company; and the legislature reserves the right to reduce and regulate the tolls hereby authorized; and the legislature also reserves the right for the purchase by the state, of the right, title and interest of the said company, in the said railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the dividends declared, shall equal the costs and expenses of said railroad, with an interest of eight per cent. per annum thereon.

SECTION 22. That the Danville and Pottsville railroad company be, and they are hereby authorized to increase their capital stock, to an amount not exceeding in the whole fourteen hundred thousand dollars, and that the proviso for completing the road and improvements of said company, be extended to the fourteenth day of April, one thousand eight hundred and forty-three.

SECTION 23. That the said company be, and they are hereby authorized and empowered, to accept from the corporation of the city of Philadelphia, or from any person or persons, or body corporate, any sum or sums of money, or loan, upon pledge of any part of their capital stock, not heretofore pledged to the commonwealth, or otherwise disposed of, to an amount not exceeding six hundred thousand dollars: *Provided*, That nothing in this act shall be so construed, as to effect the claim of the state upon such portion of the road, the income and receipts of which, are pledged to meet the guarantee made by the state.

SECTION 24. That David Marquis, Ovid Pinney, Andrew Purdy, John Carothers, John Dickey, Jeremiah Bannon, Thomas McClelland, Robert Darragh, John T. Miller, Thomas Thornley, E. K. Chamberlin, and such other persons as may be associated with them, after the passing of this act, for the purpose of erecting a bridge over the Big Beaver river, at or near where the state road from Beaver to Mercer crosses the same, opposite the village of Sharon, Beaver county, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the "Sharon Bridge company," and by the same name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and 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 suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 25. The capital stock of the said company shall be twenty thousand dollars, divided into shares of twenty-

The Danville and Pottsville railroad co. authorized to increase their capital stock to \$1400,000.

Authority to accept money on loan, upon pledge of their capital stock.

Proviso.

Corporators of the Sharon bridge company.

Name, style and title.

Powers and privileges.

Capital stock \$20,000.

five dollars each; and the said company shall have all the Shares \$25 powers, and authority, and privileges granted, and be subject each to all the restrictions imposed by the act entitled "An act of 23d March, 1836, to incorporate a company to build a bridge over the Big Beaver creek, at Fallston, in Beaver county," passed the twenty-third day of March, eighteen hundred and thirty-six. extended to this comp'y.

SECTION 26. That the town council of the borough of Town Council of Norristown be, and the same is hereby authorized and empowered, to enact any ordinance which they may deem necessary for the regulation and grading of the roads, streets, lanes, and alleys, laid out, or which may hereafter be laid out, according to law, within the limits of said borough, and they are also hereby authorized and empowered, to enact, ordain, and make rules and regulations, requiring the owner or owners of lots, lying and being in the borough aforesaid, to set up and erect curb stones, or walls, along the roads, streets, lanes, and alleys, at the edge of the side walks, in front and opposite their respective lots, at the proper cost of such owner or owners respectively, in such manner, and at such time as may be directed by ordinances passed for such purpose. and the same to keep in good repair; and the Ridge turnpike company shall pave the gutters along the main street of the borough, occupied by them, and conform to the regulations adopted by the town council in making, repairing and grading their road, through said borough. town of Norristown empowered to regulate the streets, lanes and alleys in said borough. Ridge turnpike road company to conform to the regulations of the council.

SECTION 27. That the corporation of said borough be, and they are hereby authorized, to erect a market house, upon the lot of ground now enclosed with a board fence, situate and lying between Swedes' street and alley, and Penn street and the jail yard, in said borough, and regulate and grade said lot of ground, as may be deemed advisable: *Provided*, The said market house shall be built as far from the court house, on Penn street, as the nature of the ground will admit, and thenceforth the said lot shall remain open, and the market house shall be for the use and accommodation of all persons who may wish to sell, or bring produce or marketing thereat, under such rules and regulations, as the town council may from time to time establish. Mark't-house Proviso.

SECTION 28. That for the purpose of opening and grading the streets, lanes, and alleys, laid out and to be laid out in the borough aforesaid, and the erecting of a market house, the corporation of said borough, is hereby authorized and empowered to borrow any sum of money not exceeding ten thousand dollars, upon the faith and credit of said borough, and to apply so much of the taxes raised upon said borough, as may be necessary, for the payment of the interest, and gradual extinction of the debt thus created, as from time to time may be deemed expedient. Corporation authorized to borrow \$10,000.

SECTION 29. That in case the owner or owners of any lot or lots in said borough, shall refuse or neglect to erect and put up any curb stones, or wall along the road, streets, lanes, or alleys, at the edge of the side walks, in front and opposite their respective lots, or to pave such side walks, in such manner, and at such times as may be required by any ordinance of said borough, it shall be lawful for the town council to purchase and procure materials for such curbing, walling and paving, and cause the same to be put up, erected, and made, at the proper cost and expense of said owner or owners, and if necessary, they are hereby authorized, from time to time to borrow money for said purpose, and on completion of said curbing, walling and paving, or within six months thereafter, may file a claim, in the prothonotary's office of Montgomery county, for the amount of the materials furnished and used, work done, and expense incurred in putting up such curbstone or walls, and making such pavement, together with such additional charges, not exceeding ten per cent. thereon, which claim shall be certified by the president of the town council, under the seal of the corporation, attested by the town clerk; and such claim shall be paid before any other lien which commenced subsequent to furnishing such materials, or performing such work, and remain a lien on such lot, and a personal charge against the owner thereof till paid, and execution may issue in favour of the burgess and town council of the borough of Norristown, for the amount of the claim filed, with interest, against such lot, and the owner thereof, at any time after the expiration of sixty days after filing the claim, in the same manner as on a judgment obtained against such lot or lots, or the owner or owners thereof, and the amount of such claim may be recovered by the burgess and town council, by personal action against the owner or owners of any such lot or lots, or by scire facias, at the option of said town council, as is provided for the recovery of mechanics liens, under the act passed the seventeenth of March, eighteen hundred and six, and the several supplements thereto, and in all cases, the certificate of the president, under the corporate seal, attested by the town clerk, shall be conclusive evidence of the amount of the claim for materials furnished and used, and for work done, and costs and charges incurred in putting up and erecting curb stones, walls, and making pavements, as aforesaid.

When owners of lots refuse to pave &c., borough authorities may do it at the expense of said owners.

Expense of paving, etc., to be a lien on said lot or lots.

How such claim may be recovered.

North American Academy of the Homoeopathic Healing Art.

SECTION 30. That Constantine Hering, the present president, John Romig, junior, the present vice president, William Wessalhaeff, Eberhard Freitag, Henry Dettweiler, C. Becker, John Rice, Christian Pretz, Joseph Saeger, George Keck, the present directors, Adolphus Bauer, the present secretary, Solomon Keck, the present treasurer, and Philip H. Goepf, Henry Ebner, J. V. R. Hunter, William

Eckert, and John J. Krause, together with all such other persons as are at present stockholders, and such as shall hereafter become stockholders, agreeably to the constitution and fundamental articles thereof, be and they hereby are incorporated in a society, by the name, style and title of the "North American Academy of the Homœopathic Healing Art," and by that name shall have all the rights, powers and privileges incident by law to a corporation.

SECTION 31. The said corporation and their successors, ^{Privileges &} by the name, style and title aforesaid, for a term of twenty ^{liabilities.} years, shall be able and capable in law to purchase, have, receive, take, hold and enjoy, in fee simple, or for a less estate or estates, any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise, of any person or persons, bodies politic, and corporate, capable and able to make the same, and further, that the said corporation and their successors, may take and receive any sum or sums of money, goods and chattles, that have been, or hereafter shall be given or bequeathed to them, by any person or persons, bodies politic or corporate, able and capable to make a bequest or gift thereof: *Provided*, That no misnomer of the said cor- ^{Proviso} poration and successors, shall defeat or annul any gift, grant, devise, or bequest to the said corporation, if the intent of the doner shall sufficiently appear upon the face of the gift, testament, or other writing, whereby any estate or interest was intended to pass to the said corporation.

SECTION 32. The said corporation and their successors, ^{Seal.} shall have full power and authority to make, have, and use one common seal, with such devise and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

SECTION 33. The said society shall have power to make ^{Power to} by-laws, as well as carry into effect the provisions herein ^{make by-laws} contained, as for the effectual and convenient conduct of the affairs of the society: *Provided*, The same shall not be ^{Proviso.} contrary to the constitution and laws of the United States, and this commonwealth.

SECTION 34. *Provided*, That the lands, tenements, rents, ^{Yearly in-} annuities, and other property held by the said corporation, ^{come not to} shall at no time exceed the clear yearly value of two ^{exceed 2000} thousand dollars: *And provided*, That the legislature may ^{dollars.} alter or repeal this act, at any time when the public inter- ^{Legislature} ests may require the same, and that the said corporation may ^{repeal.} shall not have or exercise any other privileges than such as may be necessary for the education of medical practitioners.

SECTION 35. That from and after the passage of this act, ^{Borough of} it may be lawful for the burgess and town council of the ^{Kittanning} borough of Kittanning, in the county of Armstrong, or a

Burgess and council may appoint high constable.

majority of them, in case the person elected high constable of said borough shall refuse to give bond, and perform the duties enjoined on him by an act, entitled "An act erecting the town of Kittanning, in the county of Armstrong, into a borough," approved the second day of April, eighteen hundred and twenty-one, shall have power to appoint some reputable citizen of said borough, who, upon giving bond, with approved sureties, shall be considered high constable of said borough, to all intents and purposes, as if he had been elected by the citizens.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 181.

An Act

Authorizing John Gamber of Dauphin county, to construct a canal or slip from the Pennsylvania canal to his furnace, and for other purposes.

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 John Gamber, of the township of Londonderry, in the county of Dauphin, be and he is hereby authorized to dig and construct a canal or slip from a point on the Pennsylvania canal, near to the east end of the aqueduct over Swatara creek, at Portroyal, in the county aforesaid, to his furnace, being a distance of between three and four hundred yards.

J. Gamber's canal or slip.

Dimensions of canal and basin.

SECTION 2. The said canal shall not exceed thirty-two feet in width at the bottom, except at the end next the furnace, where the breadth may be extended so as to form a basin of one hundred feet square, the slope of the banks to be such as will increase the breadth one foot in every