

have, demand and receive, at and immediately before the passing of the act to which this is a supplement, and the same which aldermen in the above named districts and townships are now by law entitled to have, demand and receive.

Justices of
the peace
made alder-
men.

SECTION 3. That said justices of the peace respectively, shall, by virtue of their offices, be aldermen of the county of Philadelphia.

Repeal.
Proviso.

SECTION 4. The sixth section of the act to which this is a supplement, be and the same is hereby repealed: *Provided*, That the operation of this act, shall not extend or apply to any justice or justices of the peace who have been appointed or commissioned since the fourth day of May, eighteen hundred and thirty-two, or who may hereafter be appointed or commissioned.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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

JOS: RITNER.

No. 198.

An Act

To incorporate the Preston Retreat, and relative to the sale of lands of St. John's church, in Norristown, Montgomery county, and for other purposes.

Preamble.

WHEREAS, Jonas Preston, M. D. late of the city of Philadelphia, deceased, by his last will and testament, dated the twelfth day of fifth month, in the year of our Lord, one thousand eight hundred and thirty-five, expressed his opinion that a lying-in hospital for indigent married women of good character, ought to be established in the city of Philadelphia, distinct and unconnected with any other hospital, where such females may be received, and be provided with proper obstetric aid, for their delivery, and with suitable attendance

and comfort during the period of their confinement: *And whereas*, Under the influence of that benevolent opinion, he has, by his said will, bequeathed a large portion of his estate for the purpose of establishing and endowing an institution or hospital, for the purposes aforesaid, on condition that the same shall be incorporated on the plan suggested by himself in said will: *And whereas*, The following named persons have agreed to form themselves into an association, to carry into effect the said intentions of the said Jonas Preston, M. D. and others may join them for that purpose.

SECTION 1. *Be it therefore 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 Sergeant, George Thomas, Joseph Parker Norris, Joseph Parish, Nicholas Biddle, James Martin, Joseph Watson, John M. Ogden, Richard Price, Robert Patterson, Henry C. Corbit, James Mott, Elihu Chauncey, John Bouvier, Benjamin H. Yarnall, William Hembell, Joseph Trotter, Nathan Shoemaker, Joseph Cowperthwait, Thomas H. Yardley, Samuel Spackman, Charles Chauncey, William Wharton, John G. Watmough, James Dundas, Philip M. Price, Frederick Fraley, Joseph Price, jr. Robert Toland, J. Wilson Moore, Caleb Cope, Samuel Haydock, Samuel Webb, Henry M. Zollikoffer, Dillwyn Parrish, Richard Oakford, George Peterson, Charles Noble, Edwin P. Atlee, Joseph M. Truman, Joel Atkinson, Charles Evans, Benjamin P. Smith, Joshua C. Oliver, Joseph S. Lovering, Robert E. Peterson, Thomas B. Longstreth, David Ellis, Charles C. Jackson, Peter Wright, Clement Biddle, Thomas Zell, Elijah Dallett, Thomas Firth, Joseph Warner, Henry J. Williams, Charles Naylor, John Gest, Edmund Wilcox, Henry S. Spackman, William Ashbridge, Joseph Wood, William H. Spackman, William M. Meredith, Thomas Wood, Abraham L. Pennock, William B. Fling, Dr. George Thomas, Jacob Frick, George Smith. (Delaware county) Joseph T. Mather, George Spackman, M. D., Edward Needles, Tristram Needles, J. Brown Smith, Thomas Esttack, Lewis Walton, M. M. Reeve, M. D., Harper Walton, M. D., F. S. Beattie, M. D., Alexander Henry, B. W. Richards, John J. Smith, jr. Robert Pearsall, G. J. Naucrad, John Crean, Findley Highlands, William H. Richards, George Handy, James Hutchinson, Truman M. Hubbell, William B. Reed, James M'Cormack, J. R. Burden, J. B. Sutherland, Samuel Badger, Edward King, David S. Hassinger, John Hassinger, Joseph B. Smith, James M. Brown, James R. Wilson, Wm. G. Alexander, Samuel Palmer, Geo. F. Lehman, William E. Lehman, Jacob Frick, Elijah Dallett, Thomas U. Walter, Robert O'Neil, Abraham Miller, F. J. Harper, George W. Toland, Franklin Vansant, and all other persons who with them shall become contributors, agreeably to the rules and

Name & title of corporation.	<p>regulations hereinafter prescribed, be, and the same are hereby incorporated into a society, by the name and title of the Preston Retreat, and by that name shall have perpetual succession, with power to have a common seal, and change the same at pleasure, to make contracts relative to the said institution, to sue and be sued, and by that name and style, to be capable in law of taking, holding, mortgaging, and conveying any estate, real or personal, stocks, bonds, mortgages and other securities, the annual income of which shall not exceed fifty thousand dollars, to be appropriated to no other purposes than those authorized by the will aforesaid, and this act of assembly.</p>
Privileges & liabilities.	<p>SECTION 2. <i>Be it further enacted by the authority aforesaid,</i> That the society may establish by-laws, rules, and regulations for its government, not repugnant to the constitution and laws of the United States, or of this commonwealth, nor inconsistent with the design and intention of Dr. Jonas Preston, as expressed in his said will.</p>
By-laws.	<p>SECTION 3. <i>And be it further enacted by the authority aforesaid,</i> That the members of this institution shall consist only of such persons who shall annually contribute and pay the sum of five dollars, and of such persons who shall pay thirty dollars, or more, at one time, as a contribution for life.</p>
What constitutes membership.	<p>SECTION 4. <i>And be it further enacted by the authority aforesaid,</i> That the affairs of the institution shall be conducted by a board of managers, to consist of twenty-four contributors, to be elected annually, by ballot, on the second Monday in January, by the contributors, who at the time, or before the election, have paid the full amount of their contributions; at the same time, and in the same manner, a treasurer and two auditors shall be elected; the said board shall assemble on the Wednesday next following their election, and organize, by choosing from their number a president and secretary: <i>Provided,</i> That the failure to elect on the day above named, shall not dissolve the said corporation, but the election may be held on another day, and the officers and managers then in office, shall continue until such election shall be made, and their places supplied; fifteen days previous notice of the annual election, shall be given in two daily newspapers in the city and county of Philadelphia, and in one newspaper published in the county of Delaware.</p>
Election; board of managers and other officers.	<p>SECTION 5. <i>And be it further enacted by the authority aforesaid,</i> That the board of managers, at their first stated meeting after their election, annually, shall appoint a visiting committee, to consist of not less than twelve respectable females, from the city and county of Philadelphia, and county of Delaware, which said committee shall be governed by such rules and regulations as the board of managers shall from time to time adopt: <i>Provided,</i> That in the selection and</p>
Provide, in case of failure to elect.	
Visiting committee.	
Provide.	

removals of physicians, nurses, and other assistants, special respect shall be paid by the managers to the opinion and advice of the attending committee of female superintendance.

SECTION 6. *Be it further enacted by the authority aforesaid,* That the persons to be admitted to the benefits of this institution, shall be married females, of indigent circumstances, who are near the time of their confinement, but in no case shall they remain under the care, and at the expense of the institution, longer than four weeks, after their delivery, unless by consent of two thirds of the board of managers, and then not longer than twelve weeks: *Provided nevertheless,* That no person shall be admitted to the benefits of this charity, but such as at the time of application, shall be resident in the city or county of Philadelphia, or county of Delaware, and shall have produced to the managers satisfactory testimonials of good character. Who shall be admitted.
Provided.

SECTION 7. *And be it further enacted by the authority aforesaid,* That the hospital shall be located at some suitable place, to be selected by the managers, within the following limits, between the rivers Delaware and Schuylkill, and between Cedar street and Coates' street, continued to Schuylkill. Location.

SECTION 8. *And be it further enacted by the authority aforesaid,* That the board of managers shall have power to appoint and remove at pleasure, physicians, and all officers not elected by the contributors, as may seem to them necessary, to fix their compensation, and the duties to be performed, and the security, if any, to be given by them, and also to prescribe the duties, fix the salary, and the amount and nature of the security to be given by the treasurer. Managers may remove Physicians & others, fix compensation, &c. of officers.

SECTION 9. *And be it further enacted by the authority aforesaid,* That all the bequests and devices for charitable purposes, contained in the last will and testament of the late Doctor Jonas Preston, be, and the same are hereby released and exempted from the payment of the collateral inheritance taxes, to which, by the existing laws, they are liable, and the lots and buildings to be occupied for said hospital, to be called "The Preston Retreat," shall forever hereafter be exempt from all taxes whatsoever. Collateral inheritance tax released on certain charitable bequests.
Preston Retreat exempt from taxation.

SECTION 10. *And be it further enacted by the authority aforesaid,* That within thirty days after the passage of this act, a general meeting of the contributors shall be held, at some suitable place, when and where they shall elect a board of managers, a treasurer, and two auditors, in the manner hereinbefore provided for, to serve until the first annual election, ten days previous notice of the time and place of said meeting to be given, in at least two daily newspapers in the city and county of Philadelphia, and one news- Officers to be elected annually.
Notice of election.

paper published in the county of Delaware, by the twelve first named corporators in this act, or a majority of them.

SECTION 11. *Be it further enacted,* That the managers of this institution may receive contributions, donations, legacies and devises, to be kept separate and distinct from the fund bequeathed for the establishment of the hospital by the will of Doctor Jonas Preston, and appropriate the same for the relief of indigent lying-in married women, or widows, in their own houses, and also to the support of infant children, under the age of seven years, in destitute circumstances, during the absence of their mothers, by their confinement in said hospital.

SECTION 12. That the rector, wardens, and vestry of St. John's church, in the borough of Norristown, in the county of Montgomery, be, and they are hereby authorized to make sale of so much of their lot of land in the borough of Norristown, not occupied by their said church, or as a burying ground, as they, in their discretion, shall think proper, and to execute to the purchaser a deed or deeds for the same, which deed or deeds shall be valid and effectual to vest in the purchaser or purchasers, his or their heirs and assigns, all the estate of the said corporation to the lands so conveyed.

SECTION 13. That John Lloyd and George H. Pawling of the county of Montgomery, be, and they are hereby authorized, to sell, either at public or private sale, a certain tract of land, situate in the township of Moreland, and county of Montgomery, containing about seventy acres of land, being part of two lots of land which was conveyed by Charles Garrison and Thomas Covington, to Michael Riderpough, late of said township, deceased, and of which the said Michael Riderpough died seized, and the said John Lloyd and George H. Pawling, are hereby further authorized to make and execute a deed or deeds, or other assurance or assurances, for the said tract of land, to the purchaser or purchasers thereof, which said deed or assurance, shall be good, valid and effectual, to vest in the said purchaser or purchasers all the right, title and interest in which the said Michael Rederpough had and held in the same, at and immediately before his death: *Provided,* That before the said deed or assurance be executed or rendered valid, the said John Lloyd and George H. Pawling, shall give bond, in such form, in such sum, and with sufficient sureties, as the Orphans' court of Montgomery county may direct, for the faithful execution of the trust hereby confided to them, and for the proper application and distribution of the proceeds of the sale hereby authorized, according to the true intent and meaning of the last will and testament of the aforesaid Michael Riderpough.

SECTION 14. WHEREAS, it has been represented that Jacob Braily formerly purchased a small house and half lot of ground

May receive donations, legacies, &c.

How appropriated.

St. John's church, Norristown,

Authorized to sell certain ground.

J. Lloyd and G. H. Pawling authorized to sell certain land in Montgomery county.

Proc. 150.

in the city of Lancaster, and caused the title to be vested in a trustee, for the use of his wife Mary, and at her death, for the use of their children, that the house is now in a dilapidated condition, unsuitable for a dwelling, and that the said Jacob is unable to keep the same in repair, that it would be advantageous to the family of the said Jacob, to make an exchange of said property for a commodious house and piece of ground, vested in the same manner, but on account of the minority of some of his children, he is unable to effect the same; Therefore.

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 said Jacob Fraily and Mary his wife, are hereby authorized and empowered to make a conveyance, in fee simple, as well for themselves as for their children now living, or which may hereafter be born, to George Heckert, his heirs and assigns, of the house and half lot of ground which they at present occupy in the city of Lancaster, upon this condition; that he, the said George Heckert, do execute a good and valid title for a house and peice of ground in the same city, for the benefit of the said Mary, and the children of the said Jacob and Mary, in the same manner, and upon the same trusts, restrictions, limitations and provisions, as are contained in the deed, bearing date the ninth February, eighteen hundred and twenty-eight, executed by Jacob Foss, and wife, Elizabeth Tryer.

SECTION 15. That Nathan Means, of Allegheny county, N. Means, executor of Thomas Larimer, of said county, now deceased, is hereby authorized and empowered to make sale, for the best price that can be obtained, of all the right and title, interest and claim which James Meaus Larimer, Alexander Patterson Larimer, and John Means Larimer, minor children of said Thomas Larimer, deceased, have of, in, and to a tract of land, being ninety acres, situated in Jefferson township, Allegheny county: *Provided*, That the money arising from such sale, shall be paid over to the guardians of said minor children, and be by them invested in such manner as may be approved of by the Orphans' court of Allegheny county.

SECTION 16. That it shall be lawful for the York Haven and Harrisburg bridge turnpike road company, to make and execute a mortgage or mortgages on their road, and privileges and appurtenances incident thereto, and connected therewith, by deed, under their corporate seal, as security or securities for the payment of any debts now owing by company, or for the payment of money to be borrowed for the payment of such debt or debts, which said mortgages shall have the same effect as mortgages of lands, under the existing laws of this commonwealth.

N. P. Hobart SECTION 17. That Nathaniel P. Hobart, trustee of his wife Joanna, and her children, named in a deed from Rebecca Jolly, for a certain messuage and tract of land, containing about forty-five acres, situate in the county of Montgomery, and state of Pennsylvania, be authorized, with the consent of his said wife, to sell and dispose of the said messuage and tract of land, at public or private sale, and to make a good and sufficient conveyance for the same to the purchaser or purchasers thereof, in fee simple, or for any less estate:

Proviso.

Provided, That the whole proceeds arising from such sale, be reinvested by the said trustee, in the purchase of other real estate, or in sufficient landed property, or in the public stocks, in the name of the said Nathaniel P. Hobart, his heirs and assigns, in trust for the purposes mentioned in the said deed, from the said Rebecca Jolly; but it is hereby declared, that this proviso shall not be taken or construed to require that the purchaser or purchasers of the said real estate, shall be bound to look to the application of the purchase money arising therefrom, or to the reinvestment hereby directed.

Jno. Leasure,
of Indiana co.
authorized to
bring suit in
certain cases.

SECTION 18. That John Leasure, of the county of Indiana, late supervisor of Mahoning township, in said county, be, and he is authorized to bring a joint suit or suits, action or actions, in the court of Common Pleas of said county, against the townships of Mahoning and Montgomery, to recover any money by him expended as supervisor of Mahoning township, in said county, for which he has not been remunerated, said suit or suits, action or actions, to be brought and conducted in the same manner, and on final judgment, to have the same effect as suits now have when brought against a township in pursuance of the act entitled "An act relating to counties and townships, and county and township officers," passed the fifteenth day of April, in the year of our Lord, one thousand eight hundred and thirty-four; and the said court of Common Pleas of Indiana county, are hereby authorized to direct how much, if any, each of said townships shall pay of the judgment that may be rendered against them.

Mary P. Hoff-
man authori-
zed to sell lot
of ground in
city of Phila.

SECTION 19. That Mary P. Hoffman be, and she is hereby authorized, at such time, and in such manner as the court of Common Pleas for the county of Philadelphia shall direct, to sell at public sale, all that certain lot or piece of ground, with the buildings thereon, situate at the south-east corner of Arch and Schuylkill Third streets, in the city of Philadelphia, containing in front, on Arch street, sixty feet, and in depth, along Schuylkill Third street, one hundred and fifty feet, to a thirty feet wide alley or court, leading parallel with Arch street aforesaid, into the said Schuylkill Third street, being the same lot of ground of which John Hoffmann of the Northern Liberties, in the county of Philadelphia, died seized, and to execute a deed or deeds to the purchaser

Deed to pur-
chasers.

or purchasers, their heirs and assigns, therefor, which shall be valid and effectual, to vest in the purchaser or purchasers, all the right, title and interest which the said John Hoffman had and held in the same, at and immediately before his death: *Provided however*, That before such deeds be executed, or rendered valid and effectual, the purchase money, or so much thereof as may be paid, shall be paid into court, and the securities for the remaining purchase money, placed under the controul of said court, on security given by the said Mary P. Hoffman, for the faithful appropriation and investment of said monies and securities, as is by this act directed.

SECTION 20. That the proceeds of said sale, after the payment of all liens and expenses, shall be invested under the directions of the said court, and the securities for the unpaid purchase monies, shall be taken for the use and benefit of such persons as are entitled to said real estate, under the will of the said John Hoffman, dated the twenty-second day of June, eighteen hundred and thirty-three, and duly proved, in the office of the register of wills for the city and county of Philadelphia; and the said court shall have full power to do all such acts as may be necessary fully and effectually to secure the monies arising from the sale, for the benefit of those entitled to the said real estate, under the said will.

SECTION 21. That Alexander Brackeuridge, William Robinson, jr. John Bissell, Sylvanus Lothrop, Francis G. Bailey, John Tassey, Robert Galray, Malcom Leech, Thomas Fairman, Richard Gray, William Fitzimons, George Ogden, Michael Tierman, Charles Avery, James S. Craft, and James Cuddy, 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 day of June next, provide a book or books, for the entering of subscriptions, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Pittsburg and Allegheny bridge company, for erecting a bridge over the Allegheny river, from the end of Hand street, within the limits of the city of Pittsburg, in the county of Allegheny, the sum of fifty dollars for each and every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled "An act authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river, from the end of Hand street, in the city of Pittsburg, and county of Allegheny; witness our hands, the

Security to
be given.

Proceeds;
how disposed
of.

Commiss'rs.
to sell stock
of Pittsburg
and Allegheny
Bridge co.

Form of sub-
scription.

day of

Notice.	<p>in the year of our Lord, one thousand eight hundred and ;” and shall thereupon give notice, in three of the public newspapers printed at Pittsburg, during one calendar month at least, of the times and places where and when the said books shall be open to receive subscriptions, at which times and places, some one or more of the said commissioners shall attend for that purpose, and keep open the said books, during six hours in each of three successive days, or until twelve hundred shares shall be subscribed; and if twelve hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments, public notice shall be given, in some two or more of the newspapers of said city of Pittsburg: <i>Provided always</i>, That every person, on entering his name in the said books as a subscriber, shall pay five dollars on each share he shall subscribe, as a fund, out of which shall be defrayed the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, such first payment on each share, to be taken and considered as a part payment on each share subscribed for.</p>
Number of shares.	
Proviso.	
When letters patent may issue.	<p>SECTION 22. As soon as eight hundred shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers, and the shares subscribed by each, in writing, to the Governor, who thereupon, shall constitute the said subscribers, and also, all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of the president and managers of the Pittsburg and Allegheny bridge company, for erecting a bridge over the Allegheny river, from the end of Hand street, within the limits of the city of Pittsburg, across to the end of Chesnut street or Grey’s asoto lane, within the limits of the borough of Allegheny, in the county of Allegheny, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock; and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper; and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple, or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.</p>
Name and style.	
Privileges & liabilities.	

SECTION 23. The six persons first named in the letters Organization patent of incorporation, shall, as soon as conveniently may of company. be after sealing the same, give notice, in two or more of the public newspapers printed at Pittsburg, of a time and place to be appointed, not less than thirty days from the time of issuing said notice, at which time and place, the said subscribers shall proceed to organize the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person, or by proxy duly authorized, one president, ten managers, one treasurer, one clerk, and such other officers as they may think necessary, to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, (not inconsistent with the constitution and laws of this state, or of the United States,) as may be necessary for the well ordering the affairs of the company: *Provided always*, That *Proviso.* no stockholder shall have more than one vote for each share not exceeding five shares; and one vote for every two shares above five and not exceeding eleven; and one vote for every three shares above eleven and not exceeding twenty; and one vote for every five shares above twenty: *Provided also*, *2d Proviso.* That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

A public meeting of the said stockholders, shall be held on Annual the first Monday of July next following the first election had meeting of as aforesaid, and on the first Monday of July in every succeeding stockholders. year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.

SECTION 25. The president and managers shall procure Certificate. printed certificates for all the shares of stock in the said of stock. company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate, for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, ten dollars on each share, which certificates shall be transferrable, either *Transfer.* by the owner in person, or by his attorney, duly authorized, in the presence of the president or of the treasurer, for the time being, subject however, to the payments due, or that may grow due thereon, and the persons to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Meetings of directors ; their powers SECTION 26. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting the business of the company, at which meeting five members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book, to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants, and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work, and labor done and performed, or materials furnished, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things, as by this act, or by the by-laws of the company, shall be committed to them.

Penalty for neglect to pay instalments,

SECTION 27. If any stockholder, after thirty days notice, in two of the public newspapers printed in Pittsburg, of the time and places appointed for the payment of any proportion, dividend, or instalment of the said capital stock still due on each share, shall neglect to pay the same, for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month for every delay of such payment, and if the same and the said additional penalties remain unpaid so long that the accumulated penalties shall become equal to the sums already paid on such share, the same shall be forfeited to the company, and may be sold, under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the book, by the clerk at such meeting.

Of the power to take lands, &c. for use of company.

SECTION 28. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purposes of erecting and completing said bridge, and making all the necessary works and

When parties cannot agree viewers to be appointed.

causeways to and from the same, if they can agree with the said owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and managers, to apply to the court of Common Pleas of Allegheny county,

who, upon such application, are hereby authorized and required to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken, as aforesaid, and having estimated the advantages, as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof, in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company, having paid to the said owners respectively, the several sums awarded to be paid to them, together with costs of the appraisement, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners, and thereupon, and not before, it shall be lawful to commence the erection of the said bridge.

SECTION 29. The president and managers of said company, shall keep fair and just accounts of all monies received by them from the commissioners aforesaid, and from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited, as aforesaid, of all voluntary contributions, and of monies expended by them in the prosecution of the said work, and shall, once in every year, submit such accounts in detail, to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed on such shares, in like manner, and under like penalties as are herein provided for the original subscription.

Appraisement to be filed.

Accounts to be kept.

Number of shares may be increased.

SECTION 30. When the Pittsburg and Allegheny bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns, during and unto the end of forty years, to commence from the time when said bridge shall be completed; and the said company, their successors or assigns, are hereby empowered to erect gates, and demand and receive tolls as follows, viz: For every foot passenger two cents; for every carriage, of whatever description, used for the purposes of the trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for such carriage, having four wheels and drawn by five horses, sixty-two and one half cents; for every such carriage, having four wheels and drawn by four horses, fifty cents; for every such carriage, having four wheels and drawn by three horses, forty-four cents; for every such carriage, having four wheels and drawn by two horses, thirty-seven and one half cents; for every such carriage, having four wheels and drawn by one horse, thirty-one cents; for every carriage, of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, seventy-five cents; for every such carriage, having four wheels and drawn by two horses, sixty-two and one half cents; for every such carriage, having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage, of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, forty-four cents; for every such carriage, having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage, having two wheels and drawn by two horses, thirty-one cents; for every such carriage, having two wheels and drawn by one horse, eighteen cents; for chair, or other two wheeled carriage of pleasure, and for every horse used therein, eighteen cents; for every sleigh or sled drawn by four horses, thirty-seven and one half cents; for every sleigh or sled drawn by three horses, thirty-one cents; for every sleigh or sled drawn by two horses, twenty-five cents; for every sleigh or sled drawn by one horse, twelve and one half cents; for every horse, mare or gelding, with or without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse; and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every head of sheep or swine, two cents; *Provided*, That any person or persons attending funerals, any detachment of the military of this state, or of the United States, foot passengers attending divine service on the Sabbath day, students or children attending schools or other seminaries of learning, shall at all times be exempt from toll: *Provided*,

Tolls.

Proviso.

That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum, in place of the toll hereinbefore mentioned: *And provided also*, That when the toll shall exceed fifteen per cent. nett annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found inadequate to the redemption of said bridge, so as to declare it free, providing at the same time for its repairs, then the said company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement, by disinterested persons, to be chosen in such manner as directed by law; but if the said bridge shall not be redeemed and paid at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same, on the terms of this act, beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other manner, as may be directed by the legislature.

SECTION 31. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for the passing over the said bridge, than what is hereinbefore prescribed or shall neglect to keep the said bridge in repair, he, or they, shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half thereof to be paid to the overseers of the poor of the city of Pittsburg, for the use of the poor of said city, and the other half to the person who shall sue for the same: *Provided always*, That no suit shall be brought in respect of this, unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice, in any such case brought before him, shall be liable to reversion, either by appeal to the court of Common Pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

SECTION 32. The said president, managers and company, shall keep a just account of all moneys received by their collectors of tolls, for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof, among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing, or the rebuilding of the said bridge, as time and accident may render necessary, and shall, on every first Monday of January, and every first Monday of July of

every year, publish the dividend to be made of the clear profits arising from the tolls, among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly, in ten days thereafter.

Penalty for
wilfully in-
juring bridge
etc.

SECTION 33. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation, erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls, affixed in any place for the information of passengers, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable, and he, she or they so offending, shall remain liable to actions, at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no such suit shall be brought, unless within thirty days after such offence shall have been committed; and the judgment of the said justice or alderman, shall be liable to reversion, as provided for in similar cases by law.

Proviso.

Not to have
banking priv-
ileges.

SECTION 34. The said company shall not have power to issue any note or notes in the nature of bank notes, or to make discounts, or receive deposits, after the manner of any bank or banks, and in case they should do so, contrary to the provisions of this section, then their chartered privileges shall be null and void.

Time of com-
mencement
and comple-
tion.

SECTION 35. If the president, managers and company for erecting the bridge aforesaid, over the Allegheny river, shall not proceed to carry on the said work within the space of three years from the passing of this act, and shall not within the space of six years from the passing thereof, complete the same, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular, the rights and privileges hereby granted to the said company.

Corporators
of Laurel Hill
coal comp'y.
Style & title
Capital stock
Number of
acres corpo-
ration may
hold.

SECTION 36. That Adam Eckfeldt, James Hunt, John Hoogh, Jacob Souder, and John Beatty, their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name, style and title of the Laurel Hill Coal company, with a capital of one hundred and fifty thousand dollars; and the said company may hold not exceeding two thousand acres of land, consisting of not more than two distinct bodies, in Sugarloaf township, Luzerne county, and Lausanne township, Northampton

county, and shall have power to locate and construct a railroad, with one or more tracks, from any point on their lands, to any convenient point of intersection with the railroad authorized to be constructed by the Hazelton Coal company; and the company hereby incorporated, shall have the same powers and immunities, and be subject to the same terms and conditions, that are provided in the act to incorporate the said Hazelton Coal company: *Provided*, That an annual return to the Auditor General, of the amount of dividends, be made, under oath of the president or secretary, and that eight per cent. of said amount, when the same shall exceed six per cent., shall be paid into the state treasury.

Act of 18th March, extended to this act.
Proviso.

SECTION 37. That pot and pearl ashes liable to inspection, shall be put up and secured in sound, tight, and full-bound casks, made of white-oak staves and heading, or of such other sound timber as the inspector shall judge proper, and every cask which shall be used for the purpose aforesaid, shall be twenty-four inches long, and twelve inches diameter at the head; and so much of the one hundred and fourth section of the act of the fifteenth of April, eighteen hundred and thirty-five, entitled "An act relating to inspections," as is inconsistent herewith, is hereby repealed: *Provided*, That nothing in this act, or the act of the fifteenth of April, eighteen hundred and thirty-five, as relates to the size, capacity, or material of packages, kegs or casks, shall be construed to extend to any produce whatever, of other states than Pennsylvania.

Pot & pearl ashes; how put up.
 So much of act of 15th April, inconsistent with this, repealed.
Proviso.

SECTION 38. That Horace Frizelle and Curtis Parkhurst, of Tioga county, be, and they are hereby substituted, in the place of John H. Knapp and Robert E. Griffith, to do and perform the several duties enjoined upon them by an act of the general assembly of this commonwealth, passed the twelfth day of April, one thousand eight hundred and twenty-eight, entitled "An act to incorporate the Tioga railroad and canal company," and that the time limited for the performance thereof, be extended to the first day of January, one thousand eight hundred and thirty-seven, and that the third and eighth sections of said act be, and are hereby repealed.

H. Frizelle and C. Parkhurst appointed commissioners of Tioga railroad & canal company.
 3d. and 8th section of act of 12th April, 1828, repealed.

NER MIDDLESWARTH.

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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

JOS. BUNER.