

scending navigation, on the second grand section of the Lehigh, within ten years, be and the same is hereby repealed: *Provided*, That nothing herein contained shall be construed to release the said company from the completion of the whole descending navigation by the time mentioned in the act of twentieth March, one thousand eight hundred and eighteen, entitled "An act to improve the navigation of the river Lehigh."

Proviso.
Company not released from time fixed in act of 20th March, 1818.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the cost of such lands along the Lehigh as the Lehigh coal and navigation company may find it necessary to purchase, in the settlement of damages arising from their works, and such lands in the city or liberties of Philadelphia, as they may purchase exclusively for the accommodation of the coal trade, shall not be considered as forming a part of the amount mentioned in the limitation contained in the proviso to the first section of the act of thirteenth February, one thousand eight hundred and twenty two, entitled "An act to incorporate the Lehigh coal and navigation company": *Provided*, The whole additional amount thus to be invested in the purchase of land, shall not at any one time exceed the sum of forty thousand dollars.

Costs of lands along line in Phila. not considered under proviso of 1st sect. of act of 13th Feb. 1822.

Proviso.
Additional amount not to exceed \$40,000.

FRED'K SMITH, *Speaker*
of the House of Representatives.
WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the sixth day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.

No. 163.

A SUPPLEMENT

To the act entitled "An act to enable the Governor of this commonwealth to incorporate a company for making an artificial road from the intersection of Front street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the Ferry at Morrisville, on the river Delaware, and to authorise the Governor to incorporate the Bedford and Frankstown turnpike road company, and for other purposes."

WHEREAS, the location of the Delaware division of the Pennsylvania canal has materially interfered with the rights and privileges of the "president, managers

Preamble.

and company of the Frankford and Bristol turnpike road," by changing at certain points the route of the said road:

Therefore,

SECT. 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 all and singular the rights, powers and privileges, heretofore given and granted to the said "president, managers and company of the Frankford and Bristol turnpike company," by the several acts to which this is a supplement, passed twenty-fourth March, one thousand eight hundred and three, and the seventh March one thousand eight hundred and five, be and the same are hereby extended to all and every part and parts of the new turnpike road made in consequence of any change or changes in the route thereof, by reason of the location of the Delaware division of the Pennsylvania canal: *Provided,* That this act shall not in any way whatsoever be so construed as to render the said "president, managers and company of the Frankford and Bristol turnpike company" responsible for any damages whatever to the owner or owners of property over or near which the said new road passes.

SECT. 2. *And be it further enacted by the authority aforesaid,* That James Woods, Frederick Berkheimer, Samuel Funk, and Michael Moses, of Bedford county, and Peter Casiday of Huntingdon county, be and they are hereby appointed commissioners to do and perform the several things hereafter mentioned, that is to say, that they shall on or before the first day of July next, procure one or more books, and enter therein as follows: "We whose names are hereunto subscribed do promise to pay to the president, managers and company of the Bedford and Frankstown turnpike road, 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 by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled, a supplement to the act entitled "An act to enable the Governor of this commonwealth to incorporate a company for making an artificial road from the intersection of Front street and the Germantown road in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware, and to authorise the Governor to incorporate the Bedford and Frankstown turnpike road company, and for other purposes" "Witness our hands the day of _____ in the year of our Lord one thousand eight

Powers of Frankford and Bristol company extended to the new locations.

Provide.

Company not responsible for damages thereon.

Commissioners appointed to open books for Bedford and Frankstown road.

Form of subscription.
\$50 per share.

hundred and ,” and shall give notice at least for one calendar month, in one or more public newspapers published in the counties of Bedford and Huntingdon, respectively, of the times and places when and where the said books shall be kept open to receive subscriptions of stock to the aforesaid company, at which times and places some one or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, in their own name, or in the name of any other person or persons who shall duly authorise the same, for any number of shares in 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 four days, and if at the end of the four days as aforesaid, the said subscription shall not amount to four hundred shares, the said commissioner or commissioners may adjourn from time to time, and place to place, until the said books so opened shall have four hundred shares subscribed therein, of which adjournment the commissioners aforesaid shall give public notice as the occasion may require, and when the whole number of shares subscribed in all the said books shall amount to four hundred, the same shall be closed: *Provided*, That every person offering to subscribe in the said books in his own name, or in any other name, shall previously pay to the attending commissioner or commissioners the sum of three dollars for every share by him to be subscribed, out of which shall be defrayed the expenses attending the taking said 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 organised, and the officers chosen as hereinafter mentioned.

SECT. 3. *And be it further enacted by the authority aforesaid*, That when one hundred and fifty shares, or the whole number of shares shall be actually subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the Governor of this commonwealth, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall afterwards subscribe, into one body politic and corporate in law and deed, by the name, style and title of “the president, managers and company, of the Bedford and Frankstown turnpike road,” and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall

Notice in Bedford and Huntingdon.

Who may subscribe.

Whole number of shares 400.

Proviso.

\$3 to be paid on each share at time of subscription.

When 150 shares are taken to be incorporated.

Style.

Powers, liabilities, &c.

be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

20 days notice of election and organization.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid shall as soon as conveniently may be after the said letters patent shall have been issued, give notice in one newspaper in the county of Huntingdon, and one in the county of Bedford, of the time and place by them to be appointed, which shall not be less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation. and shall choose by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy duly authorised, one president and five managers, one treasurer, and such other officers as they shall think necessary to conduct the business of said company for one year, and until other officers shall be chosen, and may make such by-laws, rules, orders and regulations not inconsistent with the laws of the United States, or of this state as shall be necessary for the well ordering the affairs of the said company, and generally have like powers, authorities and privileges necessary for the well ordering the affairs of said company, and generally have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits in proportion to the distances, as are given and granted by acts of the general assembly of this commonwealth, to the president, managers and company of the Chambersburg and Bedford turnpike road: *Provided,* That the said president and managers shall not be compelled to make said road more than eighteen feet in width in any one part: *And provided also,* That no toll shall be demanded or taken from any person or persons passing to or from any place of worship, funeral, school, election or militia training: *And provided also,* That the said road shall terminate in the borough of Bedford: *And provided further,* That if the said company shall not proceed to carry on the said works within five years after the passage

President,
5 managers,
treasurer,
&c.

Privileges.

Same as
Chambers-
burg and
Bedford
road.

Proviso.

Width.

2d proviso.

Exempts
from toll.

3d proviso.

Termination.

4th proviso.

To com-

of this act, and shall not within six years thereafter complete the said road according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

mence within 5 years and complete in 11.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the act entitled "An act authorising the incorporation of the Gettysburg and Hagerstown turnpike road company, passed the tenth day of March, one thousand eight hundred and eighteen, and its supplements not repealed or supplied, be and the same are hereby revived and re-enacted, and continued in full force, the same as if it were passed section by section, and that John Hersh, Bernhart Gilbert, Andrew Marshall, James M'Kesson, William M'Millan, Thomas C. Miller and William M'Clellan, junior, all of the county of Adams, and Lewis Ripple, James Burns, and Philip Reed, of the county of Franklin, be and they are hereby appointed commissioners to do and perform the several duties in the said act and its supplements mentioned, in the place of those named in the act which this is intended to revive.

Act authorising incorporation of Gettysburg and Hagerstown road revived.

New commissioners appointed to open books, &c.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the sixth day of April, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 164.

A SUPPLEMENT

To an act entitled "An act for taking lands in execution for the payment of debts," passed in seventeen hundred and five.

SECT. 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 from and after the passage of this act, where the lien of a mortgage upon real estate is or shall be prior to all other liens upon the same property, except other mortgages, ground rents, and the purchase money due

Prior liens not affected by sales aa-