

## No. 43.

## A FURTHER SUPPLEMENT

To the act, entitled "An act to extend the charter of the Washington and Bedford turnpike road companies."

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 the time allowed in the act, entitled "An act authorising the Governor to incorporate the Washington and Bedford turnpike road companies," passed the eighteenth day of March, eighteen hundred and sixteen, and in the supplement to the said act, extending the charter of said companies, passed the fifteenth day of March, eighteen hundred and twenty-six, and the further supplement to the said act, extending the charter of said companies, passed the nineteenth day of March, eighteen hundred and twenty-nine, for the completion of said road, be and the same is hereby extended, for the term of one year, from and after the passage of this act; and the charter of the said companies and the several laws relative thereto, or in any manner concerning the said turnpike road companies, which are now in force, shall be and remain in as full force as though the time in the extended act, had been allowed in the original act.

Time allowed for completion extended one year.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The seventh day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

## No. 44.

## AN ACT

To incorporate the Philadelphia, Germantown and Norristown rail road company.

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 John Savage, Peter Wager, Benjamin Chew, Junr. Samuel Keith, Lewis Rush, Joseph Solms, John Paterson, George M. Hickling and Alexander M'Caraher, of &c.

Commissioners appointed to open books.

the city of Philadelphia, James M. Cormack, Benjamin E. Carpenter and Jacob Heyberger, of the Northern Liberties. Reuben Haines, Thomas R. Fisher, John Leibert, Israel Gilbert, Joseph Hergesheimer, Elijah Dallet, John Waters, Edward H. Bonsall and Thomas H. Craig, of Philadelphia county, Joseph Thomas, William Powell, Philip S. Markley, George Sheaff, Samuel Maulsby, Peter Dager and Matthias Holstein, of the county of Montgomery, or any two of them, 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 May next, procure three books, one of which shall be opened in Philadelphia, Germantown and Norristown, in each of which they shall enter as follows:

“We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Philadelphia, Germantown and Norristown rail-road company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled “An act to incorporate the Philadelphia, Germantown and Norristown rail road company.” Witness our hands this day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_;” and shall thereupon, give notice in one newspaper printed in the city and county of Philadelphia and county of Montgomery, for two weeks at least, of the times and places when and where the said books shall be kept open, to receive subscriptions for the stock of the said company; at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names or the name of any other person who shall authorise the same, for shares in said stock; and the said books shall be kept open, respectively, for the said purpose, at least six hours in each juridical day, for the space of six days, or until there shall have been subscribed eight thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the book or books elsewhere, until the whole number of eight thousand shares shall be subscribed; of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person shall be permitted to subscribe for more than five shares on the first day, and not more than ten shares on the second day, after which, any person may subscribe for any number of shares until the whole of the stock is taken.

Form of subscription.

\$50 per share.

Whole No. of shares 8000.

Proviso.

No. 1st and 2d days limit. &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when four thousand shares or more of the stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or a majority of them, may certify to the Governor under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon; whereupon, the Governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the Philadelphia, Germantown and Norristown rail-road company; and by the same name, the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real, personal or mixed, of what kind or quality soever; and the same from time to time to sell, mortgage, grant alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also, to make and have a common seal, and the same to alter or renew at pleasure; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally, to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided,* That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges, whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said rail-road: *Provided further,* That the said company shall at no time hold or possess any land for any other purpose than the construction of the said rail-road, or for toll houses, or other necessary works.

When 4000 shares are taken and \$5 paid on each share, charter may issue.

Title.

Privileges, immunities, seal, &c.

Proviso.

No banking or trading privileges.

2d proviso.

Holding of land.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said named persons, or a majority of them, shall, as soon as conveniently may be, after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy, which proxy shall have been obtained and bear date within three months previously to the election.

Mode of organizing corporation.

President, 12 managers, treasurer, secretary, &c. pro tem.

at which such proxy shall be presented, duly authorised, one president and twelve managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers, aforesaid, shall conduct the business of said company until the first Monday of November, then next, and until like officers shall be chosen; and may

May make by-laws, &c.

make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

General election for same officers.

SECT. 4. *And be it further enacted by the authority aforesaid,*

That the stockholders shall meet on the first Monday of November, then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given, at least twenty days, by the secretary, in the newspapers before mentioned, and choose, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act: *Provided,* That the managers shall be

Proviso.

Managers to be classed.

elected in the manner following, that is to say: four managers to serve one year, four to serve two years, and four three years; and on the same day in each and every year thereafter a like election shall take place, when the necessary officers shall be elected, and four managers to supply the places of those whose time has expired, to continue in office until others are chosen; and the stockholders shall also meet

Meetings of stockholders.

at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid; to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two

Ratio of votes to shares.

shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been

Shares must be holden 3 months prior to election, &c.

holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide, in 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 co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person:

*Provided*, That no person shall be permitted to vote at the first election of said company, unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act; and at all subsequent elections of said company no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for, and then due, on the shares by him or her subscribed: *Provided*, That no shares, held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Proviso:  
Instalments  
to be paid be-  
fore voting.

Proviso.  
Votes by  
proxy, &c.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the election of officers, provided for in the fourth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election; and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly and according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters; and when the election is closed shall count the votes, and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officers, on the same day or on any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and they are hereby required so to do at least once in every twenty days, till the requisite officers are chosen; and the president, managers, treasurer, secretary and other officers of the preceding year shall, in that case, continue to act and be invested with all powers belonging to their respective situations, until an election shall take place. In the case of death, resignation or removal from the state, of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

Manner of  
conducting  
elections.

Neglect not  
to dissolve.

Vacancies,  
how filled.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business; and when met, seven shall be a quorum, who, in the absence of the president, may choose a

Meetings of  
managers.  
7 a quorum.

Record of  
proceedings.  
Powers, du-  
ties, &c.

Orders on  
treasurer.

Certificates  
of stock.

Transferable.

How.

Rights of as-  
signees.

Penalty on  
delay in pay-  
ing instal-  
ments.

To amount to  
forfeiture.

chairman; and shall keep minutes of their transactions, fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended work; and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer, for moneys, which orders shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorised to do.

SECT 7. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him, as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, of all the estates and emoluments of the company incident to such share or shares, and to vote, as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

SECT 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares,

the same shall be forfeited to the said company and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment, as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Or suit may be brought.

*Proviso:*  
Delinquents not to vote.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company shall demand and require of and from the treasurer, and all and every other the officers and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Bonds of treasurers and other officers.

SECT. 10. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the institution as shall appear advisable to the managers shall be declared, at least twice a year in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired.

Declaration of dividends.

If the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each manager present when such dividend is made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividend shall exceed twelve per cent. per annum: *And provided further*, That whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividend above six per cent. into the treasury of this state, for the use of the commonwealth.

Not to impair capital.

*Proviso.*  
Not to exceed 12 per cent.  
2d proviso.  
Tax of 8 per cent. on all over 6.

SECT. 11. *And be it further enacted by the authority aforesaid*, That when actual operations shall have been commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the account of the company, shewing the whole amount of their capital actually paid into the funds of the company, the sums expended, the

Annual abstract of account to be laid before legislature under oath.

tolls and other profits accruing within the year, and the amount of dividend declared within each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president for the time being.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That the president, directors and company, of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said rail-road: beginning at Stony creek, in the borough of Norristown, and passing through the townships of Plymouth and Whitmarsh, in Montgomery county, the line also in its progress to be located as near to the village of Germantown as the conformation of the ground will admit, the average distance not to exceed half a mile from the Main street thereof; thence to approach the city of Philadelphia, with two branches, one to terminate as near as practicable to the northern side of said city, at or between Delaware Sixth street and Broad street, and the other to terminate at or near the Delaware river, at Kensington, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than four rods wide, and shall not pass through any burying ground nor place of public worship, or any dwelling house, without the consent of the owner thereof; nor shall it pass through any out buildings of the value of five hundred dollars, without such consent; and the said president, directors and company, shall, within six months after ascertaining the route of the said rail-road, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the secretary's office of this state, which map or plot or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened; and all the expenses incurred thereby, shall be defrayed by said company: *Provided,* That the said rail-road shall be made double, so as to accommodate the trade ascending as well as descending the same.

**Location of road.**  
**Commencement.**  
**Termination.**  
**Width.**  
**Draft to be filed in secretary's office.**  
**Proviso. To be made double.**

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president, directors and company, and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road; and also for the purpose of searching for stone, gravel, wood or other materials for constructing said road; but no stone, sand, gravel or wood shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot

**Right to enter upon lands to locate and for materials.**  
**None to be taken without consent.**

agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the company hereby incorporated, to make, erect and establish a double rail-road on the route laid out as aforesaid; and they are also hereby empowered to erect, make and establish all works, edifices and devices to such rail-road, as may by the said company be deemed expedient, for the purpose of carrying into effect the objects of their incorporation; and also to contract or agree with the owner or owners, for the purchase of any lands or tenements, which may be necessary for the purpose of erecting the said rail-road.

Right to construct, purchase, &c.

SECT. 15. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the said president, directors and company, to enter in and upon and occupy for the purpose of making said rail-road, any land upon which the same may be located; if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury or supposed injury that may be done to said land, by such entry and occupation, it shall and may be lawful for the parties, to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county, where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county, to view, examine and survey the said lands, tenements or hereditaments and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said rail-road, and report the same under their oaths and affirmations to the said court; which report being confirmed by the said court, judgment shall be entered thereon; and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the

Arrangement for the settlement of damages.

Parties may appoint six viewers.

Expenses defrayed by company.

Or court may appoint viewers.

Their duties.

Fees, &c.

- owner or owners of the said lands from the said rail-road: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten; and upon the coming in of such report and the confirmation thereof, or upon final judgment, or appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, Upon payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers to the owner of said land, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceedings as hereinbefore prescribed.
- SECT. 16.** *And be it further enacted by the authority aforesaid*, That the said rail-road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter at the same, being now laid out or hereafter to be laid out; and in all places where the said rail-road may cross, or in any way interfere with any public road, it shall be the duty of the said company to make or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over or under the said rail-way, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall, moreover, be liable to an action or actions at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof.
- SECT. 17.** *And be it further enacted by the authority aforesaid*, That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of said company,
- Proviso. Right of appeal.
- On payment of award, company to hold property.
- Proviso. On tender of award, company need not wait issue.
- Rail-road not to obstruct other roads.
- Public causeways to be made.
- Penalty on neglect.
- How recoverable.
- Process may be served on any officer of company.
- Private causeways to be constructed.

when required, to make or cause to be made a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same, with wagons, carts and implements of husbandry, as the occasion may require: *Provided*, That the said company shall in no case be required to make or cause to be made more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may or shall pass; and where any public road shall cross the said rail-road the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisition on said company; and the said causeway or causeways, when so made, shall be maintained and kept in repair by said company; and if said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, when duly notified thereof, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof; and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof.

Proviso.  
Not more  
than one to  
each owner.

None necessary where a  
public causeway crosses.

Penalty on  
neglect.

How recovered,  
&c.

Suits must be  
commenced  
within 12  
months.

Right of others to  
construct and  
connect lateral  
rail-roads

Rates of toll.

SECT. 18. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within twelve months 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.

SECT. 19. *And be it further enacted by the authority aforesaid*, That the said company shall not prevent any person or persons, being the owner or owners of land bordering on said rail-road or adjacent thereto, from making such lateral rail-roads, and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary.

SECT. 20. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road the said company may charge and receive tolls, and for freights in and for the transportation of goods, wares and merchandize, and for the conveyance of passengers, at the following rates, that is to say: on each ton of produce, minerals or other commodities, not enumerated below, two cents per mile; for boards, plank, scantling or other sawed stuff, reduced to inch

measure, two cents per one thousand feet, and for shingles two cents on each fifteen hundred thereof; and all fractions not less than half a ton shall be considered a ton; and on empty cars, or those carrying less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, one cent each per mile; but no person or persons shall ride, lead, drive or pass along said rail-way any horse or horses, cattle, or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations as shall from time to time be established by the said company, to govern the use of said rail-road: *Provided*, That on the completion of one track, of a section of five miles of said rail-road, from Philadelphia upwards, the said company shall be at liberty to charge and receive tolls according to the rates aforesaid: *And provided also*, That all persons using the said road shall only use those cars, wagons and conveyances which shall be adapted thereto, which said cars, wagons and conveyances, to be used thereon for the transportation of persons or commodities, shall be prescribed by the said company: *And provided further*, That whenever the nett proceeds of the aforesaid tolls shall exceed twelve per cent. on the capital expended, they shall be so reduced as not to exceed that amount.

Proviso.

Toll may be taken on the completion of 5 miles.

2d proviso.

Company to prescribe kind of cars.

3d proviso.

When profits exceed 12 per cent. tolls to be reduced.

Reservation of right to repeal.

Proviso.

Of right to purchase after 30 years.

Penalty on wilfully injuring works.

SECT. 21. *And be it further enacted by the authority aforesaid*, That if it shall appear that the privileges by this act granted, are injurious to the interests of this commonwealth, the legislature reserves the right to revoke, alter or annul the charter hereby granted at any time they may think proper: *And provided*, That the state may, at any time after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the said corporation, at a just and reasonable valuation or appraisalment, to be made in such manner as may at any time hereafter be provided for by law.

SECT. 22. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure or destroy the rail-road, 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, he, she or they shall forfeit and pay to the said company the actual damages so 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 said company; and shall also be subject to indictment in the court of quarter sessions of the proper county; and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if the president, managers and company, shall not proceed to carry on said work within two years from the passage of this act, and shall not complete the same as aforesaid, in five years, according to the true intent and meaning of this act; or if after the completion of the said rail-road, the said corporation shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Time of commencement and completion, &c.

SECT. 24. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders to complete the said rail-road, 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 exceed in the whole ten thousand; and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Capital stock may be increased to 10,000 shares.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 45.

### AN ACT

Concerning the acknowledgment of sheriffs' and coroners' deeds in certain cases.

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 in all cases where real estate has been, or shall be sold by virtue of process, issued out of the supreme court, any circuit court or court of nisi prius in this commonwealth, the deed or deeds, to the purchaser or purchasers may be acknowledged before the court of common pleas or district court of the proper county or city, in like manner and with like effect as the same might or could be acknowledged before the court from which the process authorising the sale shall have issued: *Provided,* That the court of common pleas or district court, before which, any sheriff or coroner shall be about to acknowledge any such deed as aforesaid,

Deeds for estate sold by process of supreme court, &c. may be acknowledged before common pleas or district court. Proviso. Court must be satisfied that notice has been given.