

That the said company shall be subject to such provisions of right to and regulations as the legislature may at any time enact, for tax. taxing the insurance companies of this commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 91.

AN ACT

Authorising the Governor to incorporate the Washington and Pittsburg 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 Thomas H. Baird, Thomas M. T. McKennan, James Ruple, John K. Wilson, Isaac Leet, John Watson and John H. Ewing, of Washington county, and Christopher Cowan, William Lea, James Herriot, John M. Kee, Francis Bailly, and Ross Wilkins, of Allegheny county, 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 December next, procure a book or books, which shall be opened in the town of Washington and in the city of Pittsburg, and therein enter as follows: "We, whose names are hereunto subscribed, promise to pay to the president and managers of the Washington and Pittsburg rail-road company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of the state of Pennsylvania, entitled 'An act authorising the Governor to incorporate the Washington and Pittsburg rail-road company.' Witness our hands, this day of _____ in the year of our Lord, one thousand eight hundred and thirty _____;" and shall thereupon give notice in one newspaper printed in each of the counties of Allegheny and Washington, for three weeks at least, of the times when and places where the said book or books shall be kept open to*

Commissioners named to open books for subscription of stock:

Form of subscription.

\$50 per share.

Notice.

receive subscriptions for the stock of said company; at which respective times and places one or more of the commissioners shall attend, and permit persons of lawful age who shall offer to subscribe in the said books, in their own name or in the name of any other person who shall authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed five 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 five 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 always*, That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Who may subscribe.

Whole No. 5000 shares.

Proviso.
\$5 to be paid on each share at time of subscribing.

When 2500 shares are taken holders to be incorporated.

Style.

Privileges and liabilities

SECT. 2 *And be it further enacted by the authority aforesaid*, That when two thousand five hundred shares or more of the said 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 hereafter 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 Washington and Pittsburg rail road company;" and by the same name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their 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 intentions of this act; and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, 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.

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 hereinbefore 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 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 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.

Organization.

Officers
pro tem.

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 shall 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 elected in the manner following, that is to say: four managers to serve one year, four to serve two years, and four to serve 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 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, and 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 shares, one vote; for every two shares, above two and

Annual
election.

Proviso.

Classification
of managers.Special meet-
ings.General pow-
ers of stock-
holders.Ratio of votes
to shares.

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 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."

Shares must have been held three months prior to election to be entitled to vote.

Proviso.

Delinquents not to vote.

Proviso.
Shares held by transfer.

Votes by proxy.

Manner of conducting election.

Neglect to hold election, not to dissolve.

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.

Vacancies
how supplied.

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 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 monies due on their respective shares; to draw orders on the treasurer for monies, 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.

Meetings of
president and
managers.
7 a quorum.

General
powers.

Orders on
treasurer.

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.

Certificates
of stock.

Transferable.

In what man-
ner.

Assignees
vested with
same privile-
ges as origi-
nal subscri-
bers.

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.

Penalty on delay in paying instalments.

When shares may be sold.

Suits may be brought for recovery.

Proviso. Delinquents debarr'd from voting.

Sureties of treasurer and other officers.

Semi-annual declaration of dividends.

Not to exceed nett profits nor impair capital.

Managers present liable, unless they enter protest and give notice.

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.

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; if the 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: *Pro-*

vided, 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.

Proviso:
Dividend not to exceed 12 per cent. per annum.
All over 6 to pay state tax of 8 per cent.

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 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.

Annual abstract of accounts to be made to legislature under oath.

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 the borough of Washington, to terminate at or near the city of Pittsburg, 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 five 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 or owners 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.

Right of company to survey, &c.

Location

Dimensions.
Passage through buildings, &c.

Draft to be deposited in secretary's office.

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 or owners thereof, until the rate of compensation for the same

Right to enter upon lands to lay out road and for materials.

Not to be taken without consent.

be ascertained and paid; which rate of compensation, if the parties cannot 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 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.

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 (parties) 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 or 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

Right of company to construct works.

To purchase, &c.

Arrangement for settlement of claims for damages.

Parties to appoint 6 viewers.

Or court may appoint them.

Oaths of viewers.

Fees, &c.

that will be derived to the 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.

Proviso.
Right of appeal within
30 days.

Payment of
award to vest
rights.

Proviso.
Company
need not wait
result of ap-
peal on tender
of award.

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.

Erection of
public cause-
ways.

Penalty on
neglect.

How recover-
ed.

Process may
be served on
any agent.

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

Private
causeways to
be made.

crossing or passing the same, it shall be the duty of said company, 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 as available in law as if served upon the president thereof.

Proviso.
Not more
than one to
each owner.

None where a
public road
crosses.

Penalty on
neglect.

Service of
process on
company.

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 merchandise, and for the conveyance of passengers, at the following rates that is to say: on each ton of produce, minerals, or other

Owners of
land border-
ing on rail-
road may con-
nect lateral
roads there-
with.

Rates of toll.

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, two cents 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, 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 shall exceed twelve per cent. on the capital expended, they shall be so reduced as not to exceed that amount.

No person to travel on rail-way without license.

Proviso. Tolls to commence on completion of five miles.

2d proviso. Company to direct the kind of cars to be used.

3d proviso. When nett proceeds exceed 12 per ct. to be reduced.

SECT. 21. *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 cost 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.

Penalty on wilfully injuring company's works.

How recovered.

Offenders also liable to indictment.

SECT. 22. *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 eight 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.

To commence work within two and complete it in three years.

Road to be kept in order.

Capital stock may be increased to 8000 shares.

SECT. 23. *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 eight thousand; and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Declaration of right of legislature to repeal.

Proviso. Of right to purchase in 30 years.

SECT. 24. *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 reserve 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 appraisement, to be made in such manner as may at any time hereafter be provided for by law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 92.

AN ACT

To authorise the Governor to incorporate the Hummelstown, Middletown and Portsmouth turnpike road company.

Commissioners to open books.

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 Fox, William Henderson, Joseph Hummel, John Binehduer, Joseph Brestle, Henry Smith, Martin Kendig, John M'Cammon and Jacob Hummel, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: that they