

No. 93.

AN ACT

Providing for the payment of auditors for settling the accounts of the Eastern and Western Penitentiaries.

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 auditors of the city and county of Philadelphia, and of the county of Allegheny, shall be entitled to receive two dollars each, for every day employed by them, respectively, in examining and settling the accounts of the Eastern and Western Penitentiaries, agreeably to the provisions of an act, passed on the twenty third day of April, one thousand eight hundred and twenty nine; and shall be paid by orders drawn on the respective treasurers of the Eastern and Western Penitentiaries, by the board of inspectors of the said penitentiaries, respectively.

\$2 per day each, allowed to county auditors.

How paid.

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. 94.

AN ACT

To incorporate the Little Schuylkill and Susquehanna 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 Charles Sidney Coxe, George Troutman, Thomas Reeves, junior, Robert Earp, Nathan Smith, and George W. Tryon, of the city of Philadelphia; George D. B. Keim, and Mathias S. Richards, of Reading, Berks county; William Audenried, Burd Patterson, of Pottsville, Schuylkill county; Christian Brobst, and Joseph Paxton, of Catawissa, Columbia county, and William McElwy and Ebenezer Daniel, of Bloomsburg, Columbia county, or any two of them, be and

Commissioners appointed to open books.

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 five books, one of which shall be opened at the Coffee House, in the city of Philadelphia, one at the house of Thomas Kepple, in Reading, Berks county, one at the house of George C. Troutman, in Pottsville, Schuylkill county, one at the house of Christian A. Brobst, in Catawissa, Columbia county, and one at the house of William Robinson, in Bloomsburg, Columbia county; in each of which, they shall enter as follows:

Time when and places where. "We, whose names are hereunto subscribed do promise to pay to the president and managers of the Little Schuylkill and Susquehanna 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 Little Schuylkill and Susquehanna rail-road company." Witness our hands the _____ day of _____ one thousand eight hundred and thirty _____;" and shall thereupon give notice, in one newspaper printed in the counties of Berks, Schuylkill and Columbia, and city of Philadelphia, two weeks, at least, of the times and places and 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 the said stock; and the said books shall be kept open, respectively, for the said purpose, at least six hours in every judicial day, for the space of six days, or until there shall have been subscribed six 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 six 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 be permitted to subscribe, for more than twenty shares, on the first day, and not more than twenty, on the second day; after which any person may subscribe for any number of shares, until the whole stock is taken.

Form of subscription. \$50 per share.

Notice requisite.

Who may subscribe.

Whole No. 6000 shares.

Proviso. No. limited 1st & 2d days.

When 2000 shares are taken and \$5 paid on each, charter may issue.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when two thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each (any) 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 sum of five dollars on each share paid at the time of subscribing; whereupon the governor shall, by letters patent, under his hand and 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 aforesaid, into a body politic and corporate, in deed and in law by the name, style and title of "the Little Schuylkill and Susquehanna rail-road company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead 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 portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter and 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 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 mining or banking 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 coal land, for the purpose of carrying on the coal trade.

Style.

General powers, Privileges and liabilities

Proviso. Precluded from mining and banking privileges.

And from holding coal land

SECT. 5. *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 six 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

First election and organization.

Votes by proxy.

President and six managers pro tem.

Their powers managers aforesaid, shall conduct the business of said company until the first Monday of December, 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 said company.

Time of annual election. *SECT. 4. And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of December, in every year, at such places 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, who shall continue in office for one year, and until others are chosen, and 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 the votes, in the manner aforesaid, all such by laws, rules, orders and regulations, as aforesaid, and 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: for every share, not exceeding two shares, one vote; for every two shares, above two and not exceeding ten shares, one vote; for every five 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, 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 the 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 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."

Special meetings.

General powers of stockholders.

Ratio of votes to shares.

Votes on shares transferred.

Proviso.

Votes on transferred shares, and by proxy.

SECT. 5 And be it further enacted by the authority aforesaid, That the election of officers provided for in the third section of this act, shall be conducted in the following manner,

Manner of conducting election.

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, 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 officers shall not be made, the corporation shall not for that cause be dissolved; but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officer on the same day or 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 the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations until an election shall take place; in the case of death, resignation or removal from the state, of president, managers, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

Neglect to elect, not to endanger charter.

Vacancies how filled.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said 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, four 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 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 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 hereby authorised to do.

General powers of president and managers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said president and managers, first chosen, shall procure certificates or evidence of stock for all the shares of said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of said corporation, to each person

Stock certificates.

for every share by him subscribed or held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorized, 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 one share of the capital stock, of all the estates and emoluments of the company, incident to one share, 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 a 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 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.

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 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 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 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 shall be declared, 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 centum per annum: *And provided further,* That whenever the profits of said company shall exceed six per cent. per annum, on their capital stock, the said company shall pay a tax of eight per cent: on such excess, into the state treasury for the use of the commonwealth.

Dividends to be declared semi-annually.

Not to impair capital.

Managers may be liable.

Proviso. Not to exceed 12 per cent. State tax of 8 on all over 6 per cent.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the president and managers 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 a single or double rail-road, beginning at the point at which the Little Schuylkill Navigation rail-road and coal company purpose terminating their rail-road, at or near the place where the Wilkesbarre state road crosses the said Little Schuylkill, or at or near the foot of the Broad Mountain; thence across the said Broad Mountain, and thence along the vallies of Messer's run and Cattawissa creek, to a point on the North Branch of the Susquehanna or on the North Branch division of the Pennsylvania canal, at or near the town of Cattawissa: *Provided,* That the said rail-road shall not be more than four rods wide, and shall not pass through any burying ground, or place of public worship, or any dwelling house, without the consent of the owner thereof; or any out buildings of the value of three hundred dollars, without such consent.

Location of rail-road.

Proviso. Not to pass through buildings, &c. without consent.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said president and managers and company shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all land on which the said rail-road may be located; and thereon to dig and embank, make and construct the same, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for

Right to enter upon lands.

In case of non agreement mode of ascertaining damages.

the parties to appoint five suitable, judicious and disinterested persons of the counties of Schuylkill or Columbia, who shall be under oath or affirmation, and who shall reside within the said counties of Schuylkill or Columbia, and if they cannot agree upon such persons, then either of the parties may apply to the court of common pleas of the county in which the land may lie, and the court shall award a venire directed to the sheriff, to summon a jury of judicious and disinterested persons from the said counties of Schuylkill or Columbia, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground by reason of the construction of said railroad through the same; which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said railroad, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said railroad through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said railroad company: *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 in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the railroad through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

SECT 13. *And be it further enacted by the authority aforesaid*, That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught or burden, may enter upon the lands contiguous and near the said railroad, first giving notice to the owners or occupiers thereof, and from thence to take and carry away timber, stone, gravel, sand or earth, doing as little damage thereto as possible, and repair-

Five viewers to be appointed.

Their duties.

Report.

Expenses to be borne by company.

Proviso. Appeal within 30 days.

2d proviso. For cases where owners of land are absent, &c.

Right to enter upon contiguous land for materials.

ing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon; but no timber, stone, gravel, sand or earth shall be taken away from any improved land, without the consent of the owner or owners thereof, until compensation for the same be first ascertained and paid; the amount whereof, if the parties do not agree, shall be assessed and valued as hereinbefore mentioned in the twelfth section of this act.

SECT. 14 *And be it further enacted by the authority aforesaid,* That the said rail-road shall be four feet eight and an half inches in the clear, between the tracts or rails, and shall be so constructed as not to obstruct or impede the free use or passage of any public road or roads which may cross or enter the same, now laid out or hereafter to be laid out; in all cases where the said rail-road may cross, or in any manner interfere with any public road, the said company shall 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 said rail-road; and if the company shall neglect or refuse to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of the like amount are by law recoverable; and shall, moreover, be liable to all actions at the suit of any person who may be aggrieved thereby.

SECT. 15. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing lands through which the said rail-road may pass, it shall be the duty of the said company, 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 land, to cross or pass over the same, with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways, when so made, shall be maintained and kept in good repair by said company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided,* That said company shall in no case be required to make or cause to be made more than one 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 pass; and where any public road shall cross said rail-road, the

Not to be taken without consent.

Dimensions of rail-road.

Erection of public causeways.

Penalty on neglect.

How recovered.

Private causeways.

To be kept in repair.

Proviso. Not more than one for each owner.

None where a public road crosses. 2d proviso. Right of owners of land to intersect and to erect additional causeways. 3d proviso.

person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect any causeway for the accommodation of the occupant of such land: *Provided* further, That any person or persons owning lands through which the said rail-road may pass, shall have the right to intersect the main road with such lateral rail-road, as occasion may require; and that any owner of land through or over which said rail-road may pass, shall have the privilege of making such additional causeway or causeways on his or her own land, as he or she may deem necessary: *Provided*, The said additional causeway or causeways be made in the same manner as those constructed by said company, and so as in no way to injure said rail-road or impede the passage thereon.

Suits for penalties must be commenced within twelve months.

SECT. 16. *And be it further enacted by the authority aforesaid*, That no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or actions shall be commenced with twelve months next after the offence committed or the cause of action accrued, and the defendant in any 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.

Process may be served on any agent.

SECT. 17. *And be it further enacted by the authority aforesaid*, That in all suits or actions brought against the said company, the service of process on any manager, toll gatherer or other officer of the company, shall be as good and available in law as if made on the president thereof.

Penalty on doing wilful injury to works.

SECT. 18. *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 hereby authorised, 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 three times the actual damages so sustained, to be sued for and recovered with full costs, before any court having cognizance thereof, by action of debt, in the name and for the use of said company.

How recovered.

Rates of toll.

SECT. 19. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road, the company aforesaid may charge on all goods, wares, minerals and merchandize transported thereon, a toll not exceeding the following rates, that is to say: on coal, gypsum, lime, lumber, boards, shingles, staves and heading, one and a half cent per ton per mile, and on all articles not enumerated, two cents per ton per mile; and it shall be lawful to charge and receive on all single and detached articles, weighing less than a ton, an advance of twenty per cent. on the rates above established; and on all passengers conveyed on the said rail road, one and a half cent for every mile they may

travel. It shall be further lawful for the president and managers of the said company, to prescribe the kind of Company to prescribe kind of cars to be used. carriages, wagons and conveyances which shall be used on the said rail-road for the transportation of persons or commodities, and to adopt such regulations in relation to the transit of wagons and carriages on the road, as may seem to them most conducive to the interest of the public and of persons using the same.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the said president and managers shall have power to purchase with the funds of the said company, and place on the rail-road, constructed by them under this act, all machines, wagons, vehicles, carriages and teams, of any kind whatsoever, which they may deem necessary and proper for the purposes of transportation; and that they may also, to any extent which they may deem advisable, transport all goods, wares, minerals and merchandize, or other articles which may be offered them for transportation, and all passengers wishing to be conveyed on their rail-road; and the said president and managers may charge for toll and freight on all articles, and for all passengers so conveyed by them, their officers or agents, not exceeding twice the rates granted in the preceding section of this act for toll alone: *Provided,* That they shall in this case be required to transport to the termination of the said rail-road, or to any other point on the said rail-road, in the order in which they, their officers and agents, shall be requested to transport the same, all goods, wares, minerals and merchandize, or other articles which shall have been deposited at the company's depots or convenient to the said road, so that equal and impartial justice shall be done to all owners of property by the said company, who shall pay or tender to the officers of the company the toll and freight due under this act on the goods, wares, minerals and merchandize, or other articles which they may wish transported: *Provided also,* Should the receipts for toll and transportation authorised by this act, not enable the president and managers within three years after the execution of the rail-road, to make a dividend of six per cent. on the capital stock of the same, that in that case the said president and managers, shall be authorised to raise the said rates so as to produce six per cent. and should the rates for toll and transportation as raised, enable the president and managers in any one year to divide more than twelve per cent., that then the said rates shall be reduced so as not to exceed twelve per cent.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the president and managers of said company, may agree with the proprietors for the purchase of any quantity of land not exceeding three acres at any one place, which may be necessary for a depot or for the accommodation of Company may purchase land for depots, &c. not more than 3 acres.

tion of a toll house, or a house to cover any stationary engine or machine, or for stables, which may be required on said rail-road.

SECT. 22. *And be it further enacted by the authority aforesaid,* That if the president and 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 within seven years as aforesaid, according to the true intent and meaning of this act, or if, after the completion of the said road, the said company 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.

Work to be commenced in 2 years and completed in seven.

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 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 the capital of said company shall not exceed five hundred thousand dollars; and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for in the original subscription, or as shall be provided for by their by-laws.

Capital stock may be increased to \$500,000.

SECT. 24. *And be it further enacted by the authority aforesaid,* That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of said company; the amount received for tolls and transportation, and the rates charged, and the amount of dividends declared, which abstract shall be verified by the oath of the president or treasurer of said company.

After 3 years annual statement under oath to be furnished to legislature.

SECT. 25. *And be it further enacted by the authority aforesaid,* That if it shall hereafter appear to the legislature, that the privileges by this act granted are injurious to the citizens of this commonwealth, or if the said company shall at any time charge unreasonable tolls or an unreasonable price for transportation, or shall misuse or abuse any of the privileges hereby authorised to be granted, it shall be lawful for the legislature to revoke, alter or annul the charter hereby authorised to be granted.

Reservation of right to repeal.

SECT. 26. *And be it further enacted by the authority aforesaid,* That all rail-roads now or hereafter to be constructed by authority of the legislature, in the vicinity of the said rail-road, shall have authority to intersect the same at such points as the accommodation of trade may from time to time require, and are hereby authorised to use and employ similar

Other rail-roads may connect with this.

vehicles, carts or carriages as are or may be used on said road by said company, subject to the same tolls and restrictions as are imposed by this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 95.

AN ACT

To erect the town of New Cumberland, in the county of Cumberland, into a borough.

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 town of New Cumberland, in the county of Cumberland, shall be and the same is hereby erected into a borough, which shall be called the borough of New Cumberland, and shall be bounded and limited as follows, viz: beginning at the mouth of Yellow Breeches creek; thence up said creek to the most southermost alley of said village; thence up said alley to the north line of said village, bounded by lands of John Crist; thence down said line to the river Susquehanna; thence down said river to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough entitled to vote for members of the general assembly, having resided within the said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the second Friday of May next, to meet at the house of John Poist, innkeeper, in the said borough, and annually thereafter, at such convenient place in the said borough, as shall have been fixed on by the by-laws of the corporation for that purpose; and then and there between the hours of one and six in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and five

Borough limits.

Time and place of election for borough officers

Burgesses and town council.