

ceased, late a Deputy Marshall of the United States, for the counties of Berks and Schuylkill, as rendered by John Miller, and John Bickel, his administrators; and of Isaac Griffith, late a Deputy Marshall, of Bucks county; and in such re-settlement of said accounts, to allow all such charges as would have been allowed, in a settlement of said accounts with the United States, or as it has been customary to allow, in the settlement of similar accounts, by the accounting officers of the said United States; and the amount of any balance which may be found to be due, to the aforesaid administrators of John Kendall, shall be paid out of the state treasury, in the usual manner: *Provided*, Such balance shall not exceed the sum of three hundred and ninety-six dollars and ninety-five cents: *Provided further*, That the lien of the commonwealth, against the real estate of the said Isaac Griffith, and his securities, shall not be destroyed, or in any wise impaired, so far as respects the residue, which may be found remaining due from him to the commonwealth, after such re-settlement, by any thing contained in this act.

Balance due.

Limit in case of J. Kendall.  
 Proviso.  
 This act not to affect lien, in case of I. Griffith.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

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

GEO. WOLF.



## No. 161.

### AN ACT.

To incorporate the Fishing creek 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 Graeff, John Goddard and George M'Eldrige, of Philadelphia, Simeon Guilford, of Lebanon county, George N. Eckert, of Berks county, Samuel Hain, Benjamin Aycrigg, of Schuylkill county, 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 Monday in May next, procure three books, one of which shall be opened at the

Commissioners appointed to open books.

coffee house, in the city of Philadelphia, one at the house of Thomas Kepple, in Reading, Berks county, and one at the house of Henry W. Conrad, in Pinegrove, Schuylkill county, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay the president and managers of the Fishing creek 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 Fishing creek rail-road company.' Witness our hands the

Form of subscription.

\$50 per share.

day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and thirty \_\_\_\_\_; and shall thereupon give notice in one newspaper, printed in the counties of Berks and Schuylkill and city of Philadelphia, two weeks at least, of the time and places, when and where the said books shall be kept open to receive subscriptions for the stock of 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 in 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 every juridical day, for the space of six days, or until there shall have been subscribed four hundred 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 four hundred 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 five shares on the second day, after which any person may subscribe for any number of shares, until the whole of the stock is taken.

Notice requisite.

Whole No. 400 shares.

Proviso. No. of shares limited 1st and 2d days.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That when one hundred and fifty 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; 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

When 150 shares are taken and \$5 paid on each, Governor may incorporate.

- 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 "Fishing creek 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 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 mining, trading, transporting 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.**
- Privileges, immunities, &c.**
- Proviso.**  
Debarred from certain privileges and from holding coal land.
- Organization.**
- President, 8 managers, treasurer, secretary, &c., pro tem.**
- 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 authorized, one president and eight 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 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, that may be necessary for the well governing the affairs of the company.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet, on the first Monday of Annual elec- December in every year, at such place as may be fixed upon tion. 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 meeting, they shall have full power and authority to make, alter, or repeal, by a majority of the votes, in 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 they shall hold, in the proportions following, that is to say: for each share, not exceeding two shares, two votes; Special meet- ings of stock- holders. for every two shares above two, and not exceeding ten shares, 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: Ratio of votes to shares. *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."

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 Manner of conducting election.

Neglect to elect, not to dissolve.

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 officers 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 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 case of death, resignation or removal from the state, of any president, managers, treasurer, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

Vacancies how supplied.

General powers of president and managers.

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, five 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 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.

Orders on treasurer.

Certificates of stock.

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 every share 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

Mode of transfer.

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.

Assignees to take place of original stockholders.

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 failure to pay instalments.

Proceedings in case of default.

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.

Bond of treasurer, &c.

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 de-

Semi-annual dividends.

Not to impair capital. Managers may be liable. Proviso. Dividend not to exceed 12 per cent.

clared 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 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 dividends shall exceed twelve per centum per annum.

After 3 years annual abstract under oath to legislature.

SECT. 11. *And be it further enacted by the authority aforesaid*, That at the end of the third year, after the date of this act of incorporation, and at the end of every year thereafter, there shall be furnished to the legislature, an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company, and the amount of dividend declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

Route of rail-road. Location.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers 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 a single or double rail-road, commencing at the feeder of the Union canal, at the mouth of Fishing creek, in Pinegrove township, Schuylkill county, up the valley of said creek, and along the east branch thereof, to the foot of the Broad mountain, in said county; and the two tracks of said rail-road may be either contiguous, or at any distance apart, that the company may deem expedient; having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interests of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than thirty feet wide, if the tracks be contiguous, nor twenty feet for each track, if they be separate, unless greater width be agreed upon between the company and the owners of the lands through which the said rail-road passes; and shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out buildings of the value of three hundred dollars without such consent: *Provided*, That the said rail-road shall be made single or

Not to pass through burying grounds, &c. without consent. Proviso.

double, so as to accommodate the trade ascending as well as descending the same.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president, managers and company of the said rail-road 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 and gravel or wood for constructing said roads; but no stone, sand, gravel or wood shall be taken away from any seated 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 agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

Right to enter enclosures for materials and to locate.

Consent of owner.

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 single or double rail-road as aforesaid, to be constructed so that the said rail-road, in its progress, shall in no part of it rise above one inch to a foot; and said company 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 purposes of carrying into effect the objects of their incorporation; and also to contract and 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; but unless such agreement be made, no more land shall be taken than what is absolutely necessary for the purpose of said rail-road.

Right to construct, erect, &c.

SECT. 15. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the president, managers and company, of the said rail-road 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, the compensation to be made for an 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 requisition for that purpose upon him, or if such owner shall

Appraisalment of damages.

Appointment of viewers.

Expenses to be borne by company.

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 charge of said corporation, to appoint six disinterested persons, 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 reviewers 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 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 one thousand eight hundred and ten; and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for the injury sustained as aforesaid, the said company, and they and all who act under them, shall be acquitted and freed from all responsibility for, and on account of such injury: *Provided*, That the payment of damages aforesaid, for land through which the said road may be laid, shall be made before the said company, or any person under their direction or in their employ, shall be authorised to enter upon and break ground in the premises, except for the purposes of surveying and laying out said road, unless the consent of the owner of such land be first obtained. The company may retain possession of said land, as long as it continues to be occupied by the rail-road.

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 public 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 railway, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to

Viewers to be sworn.

Their fees, &c.

Proviso.  
Appeal from decision of viewers.

2d proviso.  
Not to break ground without consent, &c.

Erection of public causeways.

To be kept in repair.

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, 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 as available in law as if served upon the president thereof.

Penalty on neglect.

Service of process on company.

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 inconvenience to such persons in crossing or passing the same, it shall be the duty of the 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 occasion may require: *Provided,* That the 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 or shall pass; and where any public road shall cross 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 if required by the owner of any improved land, the company shall make fences on both sides of the road, and the said causeway or causeways, or fences 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 fences, or when made to keep the same in good repair, 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: *Provided,* That this act may not be so construed as to prevent owners of land, through whose property the said rail-road passes, from constructing crossing places over said road: *Provided* they be such as are usually made by the company.

Private cause ways.

Proviso. But one for each owner.

None requisite where a public road crosses.

Fences.

Repair. Company liable for damages.

Service of process.

Proviso. Owners may make similar ways.

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 six months next after the offence shall have been committed, or

Suits must be commenced within six months.

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.

Others may connect rail-roads with this.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the company shall not prevent any person or persons, being the owner or owners of land bordering on the 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 for the purpose of transporting their coal or produce down the said rail-road.

Road to be a highway.

SECT. 20. *And be it further enacted by the authority aforesaid* That on the completion of the said rail-road, the same shall be esteemed a public highway, free for the transportation of all commodities; and the said company may charge and receive tolls, and for freights on and for the transportation of goods, wares, and merchandise, at the following rates, that is to say: on each ton of coal, one and a half cents per mile; on each ton of salt, gypsum, and lime, one and an half cents per mile; on brick, per thousand, two cents; on lumber, squared and round, per one hundred feet, solid, two cents per mile; on boards, plank, scantling, or other sawed stuff, reduced to inch stuff, two cents per one thousand feet per mile; on shingles, per thousand, one cent per mile; on staves and heading for pipes and hogsheds, per mile, two cents per thousand; and staves and heading for barrels, and other vessels of less size, one cent per mile per thousand; on all other articles not enumerated, three cents per ton per mile; on all single and detached articles, weighing less than a ton, it shall be lawful to charge and receive, on the transports thereof, an advance of twenty per centum on the rates as above established; and for every horse, not employed in drawing a car on which toll is chargeable, half a cent per mile; for every horse and its rider, one cent per mile; for every person drawn in a car or carriage, other than the person employed to drive the same, half a cent per mile: *Provided,* That whenever the aforesaid tolls shall exceed twelve per centum on the capital expended, they shall be reduced so as not to exceed that amount: *Provided also,* That every person or persons using the said road, shall only use those carriages and wagons, and conveyances, which shall be adapted thereto, which said carriages, wagons, and conveyances, to be used thereon, for the transportation of persons or commodities, shall be prescribed by the said company.

Rates of toll.

Proviso.  
Not to produce more than 12 per cent.  
2d proviso.  
Construction of cars.

Penalty on doing wilful injury to property of company.

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, three times 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 the said company.

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 five years, according to the true intent and meaning of this act; or if, after the completion of the said 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.

Work to be begun in two and finished in five years.

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 the capital of said company shall not exceed thirty-thousand dollars; 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.

Increase of capital stock.

Not to exceed \$30,000.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the legislature reserves the right to revoke, alter, or annul the charter hereby granted, at any time they may think proper, or to purchase the right of the said company, and the rail road, with its appurtenances, at any time after thirty years from the passage of this act, at a reasonable price and valuation.

Right to repeal or purchase.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the president or secretary of the said company shall, annually, on the first Monday of December, transmit to the Auditor General, a full statement, under oath, of the affairs of said company; and that the said company shall pay to the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum, on the capital stock actually paid.

Annual statement to Auditor General.

Tax on dividends.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

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

GEO. WOLF.