

No. 64.

AN ACT

Authorizing the Governor to incorporate the Philadelphia and Trenton rail-road company.

Names of
commission-
ers to receive
subscriptions.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Savage, Jonathan T. Knight, Ellis Lewis, Samuel Castor, Benjamin Crispin, Isaac Boileau, Frederick Klett, Joseph Thomas, James Stewart, M. McMichael, Alexander Major, W. O. Kline, Taylor Brandt, Charles Goodman, A. Stevenson, David Boyer, Joseph Allen, Levi Ellmaker, George Moser, Adam Kneadler, John Rheiner, junior, Charles Elliott, John D. Wentz, Nicholas Brous, Abraham Baker, W. W. Wright, William G. Alexander, Joseph Gillingham, Thomas W. Duffield, John Folkrod, Alexander Provost, Henry Moliere, Frederick G. Wolbert, Daniel Green, John McMullin, Edwin T. Scott, Joshua Solms, Theodore Colladay, Joshua Yeager, Joseph Baker, William Craig, Peter Hertzog, John Knox, Miles N. Carpenter, William H. Hart, John Keefe, Dr. J. H. Gibbon, of Philadelphia, and George Harrison, Anthony Taylor, William F. Swift, William B. Vandegrift, Allen Lippincott, Henry L. Waddell, Dr. John Philips, Charles Lombaert, Samuel Thomas, John Paxson, Joshua Barker, Daniel Barley, John Cheston, Anthony Burton, Clark Johnson, Joseph Hutchinson, Joshua Woolston, Anthony Newbold, Stephen Woolston, Cyrus Cadwallader, John Kirkbridge, Harvey Gillingham, Joseph Howell, Joseph Burton, John Proul, Dr. Thomas L. Allen, Isaac Stackhouse, William Gillam, Dr. William Shippen, Giles Knight, John Hill, Michael Jacoby, Thomas G. Kennedy, John Bessonnet, Thomas Headley, Dr. James D. Normandie, John Boyd, James Vinehart, Thomas Stockholm, Joshua C. Canby, William Flowers, Caleb Butcher, John Goslin, Mahlon Williamson, Martin Mull, James Worth, and John Feaster, of the county of Bucks, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they, or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Philadelphia and Trenton rail-road company, the sum of one hundred dollars for every share of stock set opposite to our respective names, and by us respectively subscribed,

Form of sub-
scription.

\$100 per
share.

in such manner and proportions, and at such times and places as shall be determined and directed by the said directors in pursuance of an act entitled "An act authorizing the Governor to incorporate the Philadelphia and Trenton rail-road company;" Witness our hands, the day of _____ in the year of our Lord one thousand eight hundred and thirty _____; and shall thereupon give at least twenty days previous public notice in two of the daily papers printed in the city of Philadelphia, and two in the county of Bucks, of the times when and the places where some one or more of the aforesaid commissioners will attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purposes aforesaid at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books six thousand shares: *Provided*, That no individual be permitted to subscribe in his own name or by proxy for more than fifty shares of stock on any of said days except the last, that the books of the company be opened for subscription, and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give (such) public notice as the occasion may seem to them to require, but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each share for the use of the company: *Provided*, That before the said commissioners proceed to perform the duties hereinbefore prescribed, they shall take and subscribe an oath or affirmation, respectively, and file the same with the prothonotary of the court of Common Pleas of the county of Philadelphia, that they will not directly or indirectly subscribe for more than fifty shares of the stock in the said road, either for their own use or the use of any other person or persons, nor permit any person or persons, in their name, or for their use, to subscribe for more than fifty shares of the said stock, and if the said commissioners, or any of them, shall subscribe, or permit others to subscribe for any stock of the said company, contrary to the provisions of this section, and shall be thereof duly convicted, he or they shall be liable to all the pains and penalties of perjury.

Whole number 6000 shares.

Proviso. Subscriptions limited the first two days.

\$5 on each share to be paid down.

Proviso.

Commissioners to act under oath or affirmation.

SECT. 2 *And be it further enacted by the authority aforesaid*, That when three thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners the said commissioners, or a majority of them, When 3000 shares are subscribed Governor to issue charter.

Style of corporation.

Privileges and liabilities.

Debarred from banking, &c.

12 directors.

President.

By-laws, &c.

Proviso.

None but stockholders to be directors.

Ratio of votes to shares, &c.

shall certify the same, under oath or affirmation, to the Governor of this Commonwealth, and on the receipt of such certificate 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 those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "the Philadelphia and Trenton rail road company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, plead and be impleaded in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal and mixed, of what kind and quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter and renew at pleasure, and generally may 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 arrangement and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises but such as may be necessary or incident to making and maintaining the said rail-road, and to the conveyance of passengers and the transportation of goods, merchandize and commodities thereon.

SECT. 3. *And be it further enacted by the authority aforesaid*, That for the management of the affairs of the said corporation, twelve directors shall be elected by ballot annually by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by laws, rules, orders and regulations not inconsistent with the laws of the United States and of this Commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors, and that at every such election and in all cases in which the stockholders shall be called upon to, and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she may hold in the proportions following: for each share not exceeding ten shares one vote, and

for every five shares above ten and not exceeding thirty, two votes; and for every five shares above thirty and not exceeding fifty, one vote; but no share above fifty, as aforesaid, shall confer any additional right of voting; and also, that in all cases of elections for directors, the twelve stockholders having the greatest number of votes shall be declared duly elected: *And provided also*, That no share or shares of stock shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting, and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the aforesaid commissioners, or a majority of them, shall, as soon as practicable, after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing twelve directors, as provided for in the preceding sections, and that annually thereafter they shall meet on the second Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors, for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor the same may be held at any other time on notice as aforesaid, that until such election be held the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of vacancy from death or resignation of any director, his place shall be filled by the board of directors.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon, seven directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tem. The said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions, in which

the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person failing to pay any instalment so required, or bring suit for the recovery thereof, to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership or body politic, whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements and other affairs and proceedings of the company: *Provided*, That if the said directors shall refuse to call in any instalments remaining unpaid on said capital stock for one year after the funds paid in are exhausted, for the purpose of enabling them to satisfy debts due by the company, the said directors shall be personally responsible therefor.

Proviso.

Responsibility of directors.

Certificates of stock.

SECT. 6. And be it further enacted by the authority aforesaid, That the directors first chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with the common seal, subject however to all the payments due and to grow due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws: *Provided*, That after any instalment shall have been directed to be paid, no share of said stock shall be transferable until the said instalment shall be paid.

Proviso.

Transfer.

Annual meeting and statement.

SECT. 7. And be it further enacted by the authority aforesaid, That at each annual meeting of the stockholders the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of any three directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting, but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Of special meetings.

Location of road.

SECT. 8. And be it further enacted by the authority aforesaid, That the said company be and they are hereby authorized, as soon as they can conveniently, to locate and construct a rail-road of one or more tracks, from a suitable point in the district of Kensington, through the borough of Frankford, intersecting the Delaware division of the Pennsylvania canal, in the borough of Bristol, and continuing to a point at or near the Trenton Delaware bridge, in the borough of Morrisville, and to make, construct and erect such

ware houses, toll houses, carriages, cars, and all other works and appendages, necessary for the convenience of the said company in the use of the said rail road: *Provided*, That the said company shall not be allowed to construct said rail-road until the board of canal commissioners of Pennsylvania shall examine the location, and be of opinion that the route of said rail road will not interfere with the most eligible route for a canal from Bristol to the city of Philadelphia: *Provided*, That the said company shall not be allowed to locate said rail road on any turnpike road or public street now constructed or laid out, to a greater extent than may be necessary in crossing the same, or to enable the said rail road to be carried to the Trenton Delaware bridge, and shall be compelled to take the north side of the Bristol turnpike road, if the ground is preferable: *Provided*, also, That the said company shall not be allowed to approach within three hundred feet of said bridge, with any locomotive or other steam engine, without the consent of the said bridge company thereto.

Proviso.
Canal commissioners to approve.

2d proviso.
Relative to passing streets, &c.

3d proviso.
Not to approach bridge without consent.

SECT. 9. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the said president, directors and company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone, gravel, wood or other materials for constructing said road, but no stone, sand, gravel or wood, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which said road may be laid.

Privileged to obtain materials.

SECT. 10. *And be it further enacted by the authority aforesaid*, That whenever it shall be necessary for the said president, directors and company to enter in and upon and occupy for the purpose of making said rail road, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury or supposed injury that may be done to said land, by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the

Arrangement for the settlement of damages.

Parties to appoint six viewers.

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 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.

SECT. 11. *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 bridge, causeway or causeways, to enable all per-

Or court may appoint.

Confirmation of report.

Viewers' fees, &c.

Proviso.

Right of appeal.

Right of estate upon payment of award.

Proviso.

Upon tender of award company need not await issue of appeal.

Public bridges or causeways.

sons passing or travelling such public road, to cross and pass over or under the said rail-way, which bridge, causeway or causeways, shall be made and maintained by the said company, and if the said company shall refuse or neglect to make such bridge, 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, or the officers of any incorporated company, with costs, for the use of the township or company, 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: *Provided*, That no obstruction whatever shall be placed on or across any stream now declared a public highway, so as to impede or interfere with the full and free navigation thereof, or to change the direction of any stream or water course not declared a public highway, so as to affect the rights and interests of the owners thereof, without the consent of the said owners, unless the right to the same be obtained by such process as is before directed in relation to other private property, and that any inconvenience or expense attending the alteration of vessels now navigating said streams, to conform to the bridges erected by said company, shall be paid out of the funds of the company.

Penalty on neglect.

Service of process.

Proviso.

Not to interfere with any navigation.

SECT. 12. *And be it further enacted by the authority aforesaid*, That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of said company, when required, to make, or cause to be made, a good and sufficient bridge, 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 bridge or 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, the

Private bridges and causeways.

Proviso.

Not more than one to each owner, &c. Penalty on neglect.

Penalty on neglect.

How recovered, &c.

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.

Road to be a public highway.

SECT. 13. *And be it further enacted by the authority aforesaid,* That on the completion of the said rail-road, or any portion thereof, not less than ten miles, the same shall be esteemed a public highway for the conveyance of passengers and transportation of merchandize and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property as they shall from time to time think reasonable: *Provided,* That the toll on any species of property shall not exceed five cents per ton per mile, nor upon passengers more than three cents each per mile; and it shall be further lawful for the president and directors of the said company to prescribe the kind of carriages, wagons and conveyances which shall be used on the said rail-road, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the said road as may seem to them most conducive to the interests of the public and of persons using the same.

Toll.

Proviso.

Not to exceed certain rate.

Company to regulate cars, &c.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the president and directors shall have full power to purchase, with the funds of the said company, and place on the said rail-road 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 directors may charge, for toll and freight on all articles, and for all passengers so conveyed by them, their officers and agents, not exceeding twice the rates granted in the preceding section of this act for tolls alone: *Provided,* That if the said machines, wagons, vehicles, carriages and teams shall be so used on the said rail-road as to prevent or render unsafe the travelling upon any canal or public road now constructed or laid out on or near to the line of the said rail road, the legislature may order and direct such rules and regulations for the said machines, wagons, vehicles, carriages and teams as will secure such travelling safe and uninterrupted, and if such travelling shall be unsafe or interrupted, the courts of

Rates of charge.

Proviso.

Interruption to travelling on other improvements.

Mode of redress.

Company may transport goods and passengers.

Quarter Sessions of the respective counties through which the said rail road shall pass, may order and direct such rules and regulations until the legislature shall have acted thereupon.

SECT. 15. *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 stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided,* No dividend shall exceed twelve per cent per annum: *And provided further,* That whenever the dividend shall exceed six per cent per annum, the said company shall pay a tax of eight per cent on all such dividends above six per cent, into the treasury of this state, for the use of the Commonwealth.

Semi-annual declaration of dividends.

Liability of managers.

Proviso. Dividend not to exceed 12 per cent. Tax on all above six.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if it shall appear to the said company, that the amount of capital authorized by this act, is insufficient to complete the said rail-road and to accomplish the several objects of this charter, it shall be lawful for the stockholders assembled at any annual or special meeting, to increase the said capital to the necessary amount by increasing the number of shares and directing an additional subscription: *Provided,* That the said capital shall in no case be increased so as to exceed one million of dollars.

Increase of capital stock.

Proviso.

SECT. 17. *And be it further enacted by the authority aforesaid,* That if the said company shall not carry into effect the objects of their charter within the term of five years from the passing 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 the said company to make reparation for damages.

Time of commencement, &c.

SECT. 18. *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 roads connect.

Right of other rail-roads to connect.

and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary; but so as not to interfere with or impede the use thereof.

Crossing
canal.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the said president and managers are hereby authorized to locate and construct said rail-road across the Delaware division of the Pennsylvania canal, at such places as they may deem necessary or expedient: *Provided,* That the plan of crossing the said canal shall first be submitted to and approved by the canal commissioners.

Reservation of
right to
repeal.

SECT. 20. *And be it further enacted by the authority aforesaid,* That if the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said company: *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.

Proviso.
State may
purchase after
30 years.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—This twenty-third day of February, A. D.
one thousand eight hundred and thirty-two:

GEO. WOLF.

No. 65.

AN ACT

To attach a certain Island in the West Branch of the river Susquehanna, now owned by George Porter, to Clinton township.

In Lycoming
county.

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 island in the West Branch of the Susquehanna river, opposite to the farm of George Porter, which said island is now attached to Loyalsock township, in the county of Lycoming, be and the same is hereby attached to the township of Clinton, in said county, as if the same had always been