

## No. 77.

## AN ACT

Authorizing the inhabitants of Antrim township, in the county of Franklin, to elect four supervisors of the roads.

Annually.

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 from and after the passage of this act it shall and may be lawful for the electors of Antrim township, Franklin county, to elect, annually, at their usual place of electing township officers, four qualified citizens for supervisors of the road, subject to the same rules and regulations by which supervisors are now by law regulated.

JOHN LAPORTE,  
*Speaker of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—The twelfth day of March, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.

## No. 78.

## AN ACT

To incorporate the York and Maryland line 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 George Small, Michael Doudle, Daniel Inginfritz, Jacob Laumaster, James Shall, Charles Weiser, Peter Ahl, Jacob Bailor, Phineas Davis, George Morris and Jacob Emmitt, of the borough of York, and Charles A. Barnitz, of Spring Garden, Henry Snyder and Daniel Raman, of Shrewsbury township, Joseph Osborn, of York township, John Hellings, John Smith and William Patterson, of Hope-well township, or any two of them, be and they are hereby appointed commissioners to do and perform the several

Commissioners appointed to open books, &c.

things hereinafter mentioned, that is to say, they shall, on or before the first day of July next, procure a book or books, which shall be opened in some convenient place in the borough of York, and therein enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the 'York and Maryland line 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 York and Maryland line rail-road company," Witness our hands this day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_; and shall thereupon give notice in two English and two German newspapers, printed in the borough of York, and in such newspaper printed elsewhere as they may deem expedient, for three weeks at least, of the times and places when and where the said book or 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 name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid at least six hours in every juridical day for the space of six days, or until there shall have been subscribed four 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 books elsewhere, until the whole number of four thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books in his own or any other name, shall previously pay to the attending commissioner the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription, and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

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, the commissioners, or a majority of them, may certify to the Governor, under their hands

Form of subscription.

(\$50 per share.)

Whole number 4000 shares.

Proviso. \$5 to be paid down on each share.

When 2000 shares are taken charter may issue.

and seals, the names of the subscribers, the number of shares subscribed and the sum paid in, on subscribing by each, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the "York and Maryland line rail road company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments, goods, chattels, and all estate, real, personal or mixed, of what kind or quality soever, as shall be necessary to them in the prosecution of their works, 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 of suing and being sued, and of making and having one 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 the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth, and generally 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.

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, within this commonwealth, 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 said proxy shall be presented, duly authorized, one president and ten managers, a majority of whom shall be resident citizens of this commonwealth, a secretary and treasurer, and such other officers as shall be deemed necessary, a

Style.

Privileges and liabilities of incorporation.

Provisional election of officers.

Votes by proxy.

President, 10 managers, secretary, treasurer, &c.

majority of whom shall be resident citizens of this commonwealth, and the president and managers aforesaid shall conduct the business of said company until the first Thursday of January then next, and until like officers shall be chosen, and make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Thursday of January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, 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 votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two and 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, 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 whose name it appears absolutely and *bona fide*, in his own right, or 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."

By-laws, &amp;c.

Annual election of officers.

Ratio of votes to shares.

Date of transfer.

Proviso.

Votes by proxy, &amp;c.

Manner of  
conducting an-  
nual election.

Provision  
made for en-  
sues of neglect

Vacancies,  
how filled.

General du-  
ties of presi-  
dent and man-  
agers.

Certificates of  
stock.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the election of officers, provided for in the fourth section of this act, shall be conducted in the following manner, that is to say, the managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law to conduct such election, and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes, and declare those persons having a majority of said votes to be duly elected, and if it shall at any time happen that an election of president, managers, treasurer or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer or other officers, 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 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 any president, manager, treasurer or any other officer, his place shall be filled by the board of managers until the next annual election.

**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 six 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 the same, 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 authorized to do.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the president and managers first chosen shall procure certificates or evidence of stock for all the shares of the

said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for 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 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 said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and 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.

Mode of transfer.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the better to enable the said corporation to construct rail-ways and erect steam engines, and other apparatus necessary to carry on the said business, and generally to meet the charges and expenses incident thereto, there shall be paid by every stockholder as aforesaid, for each and every share held by or belonging to him, her or them, such assessment as the board of managers may deem expedient and proper, to be payable in such instalments as they may require, which said instalments, when called for, besides being a debt due from the original stockholders and their assigns respectively, shall remain a charge or lien on the said several shares, until the same be fully paid, and every instalment so paid shall be considered as forming an integral part of the said shares respectively, and if any stockholder shall neglect to pay any instalment for the space of thirty days after the days whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called, pay at the rate of five per cent per month for every delay of such payment, and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers: *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, whose share or shares any instalment or arrearages may be due and payable more than twenty days previous to the said election or meeting.

Stockholders to advance a pro rata assessment on shares for certain purposes.

Penalty on neglect.

Proviso.

Delinquents not to vote.

**Bonds of treasurer, &c.** **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.

**Semi-annual declaration of dividends.** **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 directors, shall be declared at least twice 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 directors shall make any dividend which shall impair the capital stock of the said institution, the directors consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each director present when such dividend shall be 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 of the declaring of such dividends.

**Liability of directors for improper declaration.**

**Annual abstract to Legislature.** **SECT. 11.** *And be it further enacted by the authority aforesaid,* That on the first day of February, in every year after the date of this incorporation, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid in, the amount of transportation in each year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by oath or affirmation of the president of the company for the time being.

**Of the location of rail road.** **SECT. 12.** *And be it further enacted by the authority aforesaid,* That the president, directors and company of the said rail-road company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said road, beginning at the north line of the borough of York, and extending southwardly to such point on the Maryland line as may, in the judgment of the president and managers of said rail-road company, be deemed most suitable and proper, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property, and the said road shall not be more than four rods wide, and shall not pass through any burying ground, nor place of public worship, nor any dwelling house, without the consent of the owner

thereof, nor shall it pass through any out building of the value of three hundred dollars, without such consent; and the said president, directors and company, shall, within six months after ascertaining the route of the said rail-road, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company.

Draught of location to be placed in Secretary's office.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president, directors and company of the said rail-road company and their agents, and all persons employed by or under them, for the purposes contemplated in this act, to enter upon any land which they shall deem necessary, for laying out said road, and also for the purposes of searching for stones and gravel, or wood, 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 compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed as to the compensation for lands over which said road may be laid.

Right of entry to locate and to look for materials.

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the company hereby incorporated to make, erect and establish, a rail-road, on the route laid out as aforesaid, and said company are also hereby empowered to erect, make and establish, ail works, edifices and devices, to such rail-road as may by the said company be deemed expedient for the purpose of carrying into effect the objects of their incorporation, and also to contract 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.

Company invested with right to establish works, &c.

SECT. 15. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the president, directors 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 upon 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 damage, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside with-

Arrangement for settlement of damages.

Six viewers to be appointed by parties.

in 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 made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state; 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 the said corporation, to award a *venire*, directed to the sheriff of the nearest adjoining county, requiring him to summon a jury of twelve disinterested men, 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 said sheriff and jury shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, to be paid by said company, and it shall be the duty of the appraisers, or jury, as the case may be, in estimating such injury or damages, to take into consideration the advantage 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 in other cases, and upon the coming in of such report or inquisition, 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 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*, 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 authorized to enter upon and break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner of such land be first obtained.

Or in case of non agreement Sheriff to summon jury of 12.

Report and confirmation.

Fees of viewers.

Proviso.

Right of appeal.

Upon payment of award right to vest in company.

2d proviso.

Company not to break ground before payment of damages without consent.

**Secr. 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, or other devices to enable all persons passing or travelling on such public road, to pass and cross over the said rail-way, which causeway or causeways shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisor or supervisors of the proper township, at the expense of the said company, and if the said company shall refuse or neglect to make such causeway or causeways, or other devices, or when made to keep the same in good repair, they shall be liable to pay a penalty of twenty-five 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 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.

Public causeways to be erected.

Supervisors to approve.

Penalty on neglect.

How recovered and appropriated. Service of process.

SECT. 17. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in crossing and passing over 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, or other devices 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: *Provided,* That the said company shall in no case be required to make or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail-road may or shall pass, and where any public road shall cross said rail-road, the person owning or possessing land through which the said rail-road shall pass, shall not be entitled to make such requisition on said company, and the said causeway or causeways, or other devices, when so made, shall be maintained and kept in repair by the said company, and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, 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

Private causeways.

Proviso.

Not more than one for each owner.

—None where public road crosses.

Penalty on neglect, &c.

for and recovered before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof.

**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 any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act

Suits for penalties must be commenced within one year.

Lateral roads authorized within the borough of York.

**SECT. 19.** *And be it further enacted by the authority aforesaid,* That from time to time, whenever it may be necessary, the said president and directors are hereby authorized to lay out, or cause to be laid out and constructed, in manner as above prescribed, such lateral rail-road: *Provided,* The same shall not extend beyond the limits of the borough of York, as occasion may require.

On partial completion company may charge for freight and toll at rates of Columbia road.

**SECT. 20.** *And be it further enacted by the authority aforesaid,* That on the completion of a section of five miles of the principal road, and from time to time, of the lateral rail-road, the said company may charge and receive for freight on and for transportation of goods, wares and merchandize, at the same rates of toll for the same kind of merchandize or other burdens as shall from time to time be charged for transportation on the Philadelphia and Columbia rail-road: *Provided always,* And it is hereby declared and enacted, the rate of tolls chargeable on articles of any kind whatsoever, passing northward, may be one third more than the tolls hereby established and chargeable on similar articles passing southward: *Provided* That the dividends shall at no time exceed fifteen per centum per annum, on the capital stock of said company: *Provided also,* That every person or persons using the said rail-road, shall only use those carriages, wagons and conveyances which shall be adapted thereto, and which shall be prescribed by the said company.

Proviso.

Tolls northward and southward.

2d proviso. Dividends not to exceed 15 per cent.

3d proviso. Certain kind of cars only to be used.

Penalty on wilful injury to property.

**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 costs 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 afore said,* That if the said corporation shall not carry into effect the object of this charter, within the term of eight 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 impassible 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.

SECT. 23. *And be it further enacted by the authority afore said,* That if an 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 that 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 moneys for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or shall be provided for by their by-laws.

SECT. 24. *And be it further enacted by the authority afore said,* That it shall and may be lawful for any creditor of said company, after having obtained judgment according to law for the amount due, to issue a *fieri facias* on the toll houses or gates on said road, and on the return of said writ and levy, it shall be lawful for the plaintiff to issue a writ of inquiry, under the authority of which the sheriff of the proper county and jury shall say what time or term of years the plaintiff in the execution shall have the profits or tolls of said road to satisfy his or her debt, according to an act entitled "An act for taking lands in execution for payment of debts."

SECT. 25. *And be it further enacted by the authority afore said,* That the legislature reserves to itself the right to amend, alter or annul the charter hereby granted if it shall at any time appear that the privileges granted by this act operate to the injury of the commonwealth by an abuse of the chartered privileges hereby given.

SECT. 26. *And be it further enacted by the authority afore said,* That if any owner or driver of any car, carriage, wagon or conveyance upon the said rail-road, shall pass any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars.

SECT. 27. *And be it further enacted by the authority afore said,* That the said company shall not have power to issue any orders or notes in the nature of bank notes, to be indorsers on any note or notes in their corporate capacity, or to

make discounts or receive deposits, after the manner of any bank or banks, and in case the said company should, at any time hereafter, act contrary to the provisions contained in this section, their chartered privileges shall be null and void.

JOHN LAPORTE,  
*Speaker of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of March, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

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No. 79.

AN ACT

Relating to the width of Callowhill street.

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 commissioners of the district of Spring Garden be and they are hereby authorized to open Callowhill street, from John street to Delaware Seventh street, of the same width that it is now opened between John street and Sixth street, and the damages accruing to the owners of property in the opening of said street, shall be assessed and paid in like manner as is provided for by the laws of this commonwealth regulating the opening of streets in the city of Philadelphia and its districts.

From John  
street to Dela-  
ware Seventh.

JOHN LAPORTE,  
*Speaker of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of March, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.