

Manner of holding elections.

President, secretary and treasurer.

Vacancies how filled, &c.

ors whenever it shall be deemed advisable so to do, and all elections shall be by ballot, each member being entitled to one vote, to be conducted by three judges, to be chosen by the members present at the election, who shall certify under their hands the result of said election, to be filed with the papers of the corporation: the directors for the time being, shall choose one of their members for president, and also a secretary and treasurer out of the members of the company, and shall have power to remove or displace the secretary or treasurer, and to supply any vacancy which may happen by death, resignation or removal, either in the board of managers or in any of the officers of the company, (until next election,) and the said company shall have power to elect such other officers as they may deem necessary, and to pass all by-laws, rules and regulations necessary to carry into effect the object of this act, not contrary to this act or the constitution and laws of this commonwealth, and each member of the company shall be liable to contribute equally to the payment of all losses and expenses of the company, and the rates of contribution shall be settled by the board of directors, after which the treasurer shall proceed to collect the amount due from each member of the company.

JOHN LAPORTE,

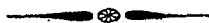
Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.



No. 134.

AN ACT

To authorize the Governor to incorporate a company to erect a toll bridge over the river Juniata, at the town of Hollidaysburg, and to incorporate the Ligett's Gap 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 Christian Garber, James O'Conner, S. F. Henry and John Dougherty, of the town Hollidaysburg,*

Joseph Patton, Martin Denlinger and Thomas Johnston, of the town of Frankstown, and John Walker of Blair's Gap, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of May next, procure one or more books, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the river Juniata, at the town of Hollidaysburg, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly authorizing the Governor to incorporate a company to erect a toll bridge over the Juniata river, at the town of Hollidaysburg;" and shall thereupon proceed to receive subscriptions for the stock of the said company, at such times and places as they shall think proper: *Provided always*, That every person so subscribing in his own name, or in the name of any other person, shall previously pay to the attending commissioners three dollars for every share so subscribed, out of which shall be paid the expense of taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, agreeably to the provisions of this act.

Commissioners appointed to open books to receive subscriptions to the stock of the bridge company.
Form of subscription.
\$50 per share.

Proviso.
\$3 to be paid down upon each share.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when fifteen or more persons shall have subscribed sixty shares of the said stock, the said commissioners shall certify, under their hands and seals to the Governor of the commonwealth, the names of the subscribers and the number of shares subscribed, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the said subscribers, and also all those who may afterwards subscribe into one body corporate and politic, in deed and in law, by the name, style and title of "the president, managers and company, for erecting a bridge over the river Juniata, at the town of Hollidaysburg;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said 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 intent of this act, and of taking, purchasing and holding, to them and their successors, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient to them in the

When 15 persons take 60 shares charter may issue.

Style of corporation.

Privileges and liabilities.

prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the first five named persons in the letters patent shall, as soon as conveniently may be, after sealing the same, give notice in any two of the newspapers of the county of Huntingdon, of a time and place to be by them appointed, not less than twenty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, either by person or by proxy duly authorized, one president and six managers, and one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, and until other officers shall be chosen, and may make such by-laws, rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided,* That each person shall be entitled to one vote for every share less than six, and that no share above six shall confer any right to vote at any of the meetings of said company.

First 5 named of the subscribers to give notice of the provisional election.

President, 6 managers, treasurer, &c.

Proviso.

One vote each share up to 6.

Annual election of officers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday in January in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid, for the ensuing year.

Of the certificates of stock.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers first to be chosen as aforesaid, shall procure printed certificates for all the shares of stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber, for the share or shares held by him, on paying to the treasurer the amount of each share so held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer; and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company kept for that purpose, shall become a member of the corporation.

General powers and duties of the president and managers.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business, and at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall

keep minutes of all their transactions entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies, to pay the salaries of persons by them employed, and for the materials provided and labor done, and which shall be signed by the president and countersigned by their clerk, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company shall be committed to them.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice, given in two of the newspapers of Huntingdon county, of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment for the space of sixty 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 cent. per month for every delay of such payment; and if the same and the additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares as such stockholders may hold, the same shall be forfeited to the said company, and may be sold to any person or persons, and for such price as may be obtained therefor.

Penalty imposed upon delinquent stockholders.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said company, and of all penalties for delay in the payment of stock, and of the amount of profits on shares that may be forfeited as aforesaid, and also of all monies by them expended in the prosecution of said work; and shall at least once in every year submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the costs, charges and expenses, for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if, upon such liquidation, or whenever the stock of said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act

Annual statement of the accounts of the company.

Increase of capital stock.

or their own by laws, to increase their number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under like penalties as hereinbefore provided for the original subscription.

Rates of
bridge toll
fixed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That when a complete bridge is erected over the river Juniata, at the town of Hollidaysburg aforesaid, the property of said bridge shall be vested in the said company aforesaid, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travellers and others, agreeably to the following rates, to wit: for every carriage of whatever description, used for the purpose of trade, agriculture or carrying the mail, having four wheels, for each horse drawing the same, four cents; for every such carriage having two wheels, for each horse drawing the same, three cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same, six cents; for every dearborn wagon and for every chair or other two wheeled carriage of pleasure, for each horse drawing the same, eight cents; for every sleigh or sled, for each horse drawing the same, four cents; for every horse with a rider, four cents; for every horse without a rider, three cents; every carriage drawn by oxen or partly by horses and partly by oxen, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated the same as a horse; for every score of sheep or swine, six and one-fourth cents; for every head of horned or muley cattle, one cent; and for every foot passenger, two cents: *Provided,* That any person or persons attending funerals, going to or returning from divine worship, all persons going to or returning from elections or military trainings, and students or children attending school or seminary of learning, shall at all times be exempt from the payment of any toll.

Proviso.

Free passengers.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, their successors and assigns, or whoever may possess or own the said bridge, shall demand or receive any greater rates or prices for passing over the said bridge than is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, one moiety thereof for the poor of the township of Frankstown and the other moiety for the use of the person who may sue for the same: *Provided,* That no suit or action shall be brought unless within thirty days after such offence shall have been committed.

Company liable to a penalty for extortion or neglect.

Recovery and appropriation thereof.

Proviso.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the president, managers and company shall keep

a just and true account of all money received by the several collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof amongst all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay and for rebuilding and repairing the said bridge, and shall on the first Monday in April and October in every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place, when and where the same shall be paid, and shall cause the same to be paid accordingly.

Dividends of clear profits to be declared semi-annually.

SECT. 12. *And be it further enacted by the authority aforesaid,* That Frederick Bailey, Christopher L. Ward, Putnam Catlin, John Mann, S. Milligan, Esquire, Asa Dimock, junior, Jabez Hyde, junior, and Charles Fraser, of Susquehanna county, Henry W. Drinker, Doctor Andrew Bedford, Jeremiah Clark, Nathaniel Cottrell, Elisha S. Potter, Esquire, James Griffin, John J. Dings and Thomas Smith, of Luzerne 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 day of January next, procure a book or books, which shall be opened at some convenient place in the city of Philadelphia, and the borough of Easton and Wilkesbarre, and also in Montrose, and therein enter as follows: "We whose names are hereunto subscribed, promise to pay to the president and managers of the Ligett's Gap rail-road company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of the commonwealth of Pennsylvania, authorizing the Governor to incorporate the Ligett's Gap 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 one newspaper printed in Philadelphia city, and in each of the counties of Northampton, Luzerne and Susquehanna, for three weeks at least of the times when, and places 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 persons of lawful age, who shall offer to subscribe in the said books in their own name, or in the name of any other person who shall authorize the same, for any number of shares in the said stock, and the books shall be kept (open) respectively for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until there shall have been sub-

Stock commissioners appointed for the Ligett's Gap rail-road company.

Form of subscription. Shares \$50.

Instructions to commissioners re: to the opening of books.

scribed twenty thousand shares: and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of twenty thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books in his own or any other name, shall previously pay to the attending commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Proviso.

\$5 to be paid upon each share when subscribed.

When 5000 shares are taken charter may issue.

Style of corporation.

Privileges and liabilities.

First five named subscribers to hold provisional election of officers.

SECT. 13 *And be it further enacted by the authority aforesaid*, That when five thousand shares or more of said stock shall have been 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 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 as aforesaid, into a body politic and corporate in deed and law, by the name, style and title of "The Ligett's Gap rail-road company," and by the same name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and doing all and every matter and thing which a corporation or body politic may lawfully do.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the first five 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 herein before mentioned,

of the time and place by them appointed for the subscribers to meet, in order to organize said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy duly authorized, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, one president and ten managers, a secretary, treasurer, and such other officers as shall be deemed necessary, and the president and managers aforesaid, shall conduct the business of the said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing of the affairs of the company.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday 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 such newspapers as the said president and managers shall direct, 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 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 shares and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no shares or number of shares above one hundred, shall confer any additional right of voting, and no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears absolutely and bona fide, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor, or administrator, or 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 share held by transfer shall be entitled

Annual election of officers.

General powers of stockholders.

Relative to the voting privileges.

Provido.

Of votes on transferred shares and by proxy.

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 one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Manner of conducting elections.

SECT. 16. *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 who has been elected, and if it shall at any time happen that an election of president and managers, treasurer, or other officers, shall not be made, the corporation shall not for that cause be dissolved or deemed so to be, 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 case of the death or resignation, or removal of any such president, manager, treasurer or other officer, his place shall be filled by the board of managers until the next annual election.

Vacancies in corporation offices how filled.

Duties, powers, &c. of president and managers.

SECT. 17. *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, fully 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

Orders on treasurer.

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. 18. *And be it further enacted by the authority aforesaid,* That the president 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 the share or shares by him subscribed and held, which certificates 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, who shall keep a book for that purpose,) subject however to all payments due on 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 of stock, assigned to him as aforesaid, shall be entitled to the share or shares of the capital stock held by the person assigning the same, and of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on such share or shares as the original subscribers would have been.

Certificates of stock for each share.

Mode of transfer.

Rights of assignees.

SECT. 19. *And be it further enacted by the authority aforesaid,* That if, after twenty 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 intended work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of twenty days after the time so appointed, every such stockholder or his assigns shall, in addition to the instalment so called for, pay after the rate of five 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 said 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 said company, on

Penalty on neglect to pay instalments due on shares.

Shares may be forfeited or suit brought.

Proviso. Delinquents not to vote.

whose share or shares any instalment or arrearages may be due and payable more than twenty days previously to said election or meeting.

SECT. 20. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the president and managers of the Ligett's Gap rail-road company, to make a complete rail-road with single or double track, to be constructed in such manner and of such materials as shall be adopted by said company, from a point in Cobb's Gap, where an intersection or connection can be conveniently formed with the Susquehanna and Delaware canal or rail-road in Luzerne county, to a point on the New York state line in Susquehanna county, passing through the coal region on the Lackawana and Ligett's Gap; and that the said president and managers shall have full power and authority to construct and make a branch rail-road from the said rail road, at a point near where the same crosses the Lackawana river, thence along the valley of said Lackawana to the Pennsylvania North Branch canal, near the mouth of the said Lackawana river, and to make use of the water of any stream or creek on or near the intended route, for the purpose of propelling any machinery which may be found necessary in order to overcome or pass over any summit or summits by means of inclined planes: *Provided,* That the company shall not place, erect or build any dam or other obstruction in the navigable waters of the Lackawana or the Tunkhannock, so as in any wise to injure the navigation of the same: *Provided also,* That in all cases where it is or may be deemed necessary to turn the water of any stream or part thereof out of its natural channel, in order to use the same for the purpose herein before mentioned, said water so used shall, in all and every case thereafter, flow again into its natural channel as soon as the circumstances of the case will admit: *Provided also,* That the said branch rail-road be and remain under and subject to the same rules, regulations and restrictions, and to receive thereon the same rates of toll as are provided by this act for the main rail-road.

Route and location of rail-road.

Authority given to make a branch road, &c.

Proviso. Obstructions to navigation of creeks forbidden. 2d proviso. Relative to the diversion of water courses.

3d proviso. Branch to have same tolls, &c as main road.

Company authorized to locate and take materials for road.

SECT. 21. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president, managers and company, or their agents, superintendents, surveyors, engineers, artists and workmen, to enter upon any lands in any part or place thereof which shall appear to them most convenient and best adapted for the route of said rail-road, and to cut, break and remove and take away all trees, rocks, stones, earth, gravel and sand or other materials, or any obstructions or impediments whatsoever on the said route, and to use all such timber, rocks, stones, gravel and earth or other materials which may be found necessary in the prosecution of their works, and to form, make and erect and set up all such works as are necessary to make a complete

rail-road of iron, timber, stone or other proper materials as the said president and managers shall determine, either in whole or in part or parts of said distance.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, or their agents, shall have full power and authority by themselves, or their superintendents, surveyors, engineers, artists and workmen, to enter in and upon, and occupy for that purpose, any lands which shall be necessary and suitable for the intended rail-road, and there to dig or build, make, construct, erect, and set up all such works as are necessary to the well being of said rail-road, satisfying the owners therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint three suitable and judicious persons, within the proper county where the land lies, or (if) they cannot agree on such persons, then either of the parties may apply to the court of Common Pleas of the proper county where the land lies, and the said court shall appoint three disinterested men, who shall, under oath or affirmation, ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such rail-road or device thereto belonging being erected on or passing through his, her or their land, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sums awarded, with reasonable costs, to be assessed by the court; and it shall be the duty of the said appraisers, in valuing any land, to take into consideration the advantages derived to the owner or owners of the premises, from the said rail-road passing through the same: *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.

Authority to locate, &c.

Arrangement for the assessment of damages.

Proviso. Right of appeal from decision of viewers.

SECT. 23. *And be it further enacted by the authority aforesaid,* That whenever the said rail-road shall cross any public or private laid out road or highway, or shall divide the grounds of any person into two parts, so as to require bridges over or passages under it, the said president and managers shall be at liberty, as they may think proper, at any time hereafter, either to build bridges or construct passages, to be rendered practicable and fit for the passage of carts and wagons; and the breadth of such bridge or passage shall be, if a bridge on a private road, or on the premises of any individual or individuals, at least twelve feet on the tread or floor, and if a passage, not less than fourteen feet, and if on public road or highway, whether bridge or passage, shall be of a sufficient width in all cases to answer all the purposes of said road; all passages under said road,

Company to erect public and private bridges or passages.

Dimensions prescribed.

whether for public or private uses, shall be at least ten feet high in the clear; and whenever such bridge or bridges, passage or passages, which may have been erected or made, shall become dangerous or impassable, either to repair the same or erect or make new in place thereof.

Authority to take materials from contiguous land.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the president, managers and company, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons, and other carriages, and beasts of draft or burden, may enter upon the lands contiguous and near the route of the intended rail-road, giving notice to the owner or owners, or occupiers thereof, and from thence to take and carry away any stone, gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosure thereof, and making amends in the same manner as in the twenty-second section of this act, for any damages that may be done thereon, and pay for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by three freeholders, chosen as directed, and whose proceedings shall be in the same manner provided for in the twenty-second section of this act.

Redress of owners of property injured by inundation, &c.

SECT. 25. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be injured, by means of any works or device, erected on the land of any person inundated by swelling the water, or any mill or other water works injured, and if the president, managers and company, cannot agree with the owner or owners thereof, on the compensation to be paid for such injury, the same proceedings shall be had as is provided in the twenty-second section of this act, the persons valuing the damages being first sworn or affirmed, or the jury, as the case may be, shall take into consideration the advantages which may be derived by such owner or owners, by the rail-road aforesaid.

Rates of toll to be fixed so as to produce not more than 12 per cent.

SECT. 26. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said president, managers and company, or such person or persons as they shall from time to time appoint toll collectors or their deputies, as soon as the said rail-road shall be perfected, to collect and receive toll upon the same, a sum not exceeding twelve per cent per annum upon the amount of monies which shall have been expended in the completion of said rail-road or rail-roads, and in the support, improvement and continuance of the same from time to time, and for that purpose, the legislature shall have full power and authority to regulate and fix, from time to time, as they may think proper, the rate of toll to be paid to them by all persons upon all wagons, carriages and conveyances using the said rail-road, sufficient to assure the payment of the said twelve

per centum per annum: *Provided*, That the rate of toll to be charged on said rail-road shall not exceed two cents per ton per mile, on the ascertained burden or capacity of any wagon or other vehicle whatever, used on said rail-road: *Provided* also, That if at any time hereafter the tolls should enable the company, after paying all repairs and other necessary expenses, to divide more than twelve per centum per annum on the capital stock expended, then and in that case, the said balance or overplus so remaining, shall be paid into the treasury of the state of Pennsylvania, and applied to the extension of common school education, after which the tolls may be so reduced, that the dividends shall not exceed the said sum of twelve per centum per annum.

SECT. 27. *And be it further enacted by the authority aforesaid*, That in order to ascertain the tonnage of wagons, carriages and conveyances using the said rail-road, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner or supercargo of such carriage, wagon or conveyance, or of the collector of said tolls, at any point fixed for the purpose on said rail-road, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said carriages, wagons or conveyances, and to ascertain the actual lading of the same, and to mark the said tonnage so ascertained, with figures upon the said carriages, wagons or conveyances, in colors mixed with oil, and that the said carriage, wagon or conveyance so measured and marked, shall be permitted to pass along the said rail-road for the price per ton to which the ascertained loading shall amount, agreeably to the rates fixed, and if the owner or supercargo of any carriage, wagon or conveyance, shall decline choosing a person resident within five miles of the place where said toll is payable, to ascertain the tonnage and loading thereof, then the amount of such tonnage and loading shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by said collector of tolls for said company, and the toll shall be paid according to such measurement, and ascertained before any such carriage, wagon or conveyance shall be permitted to pass the place where such toll is made payable by the said president and managers: *Provided however*, That the rates of toll charged on salt, plaster, lumber and coal, shall not exceed one cent and a half per ton per mile on the lading of any vehicle used for the conveyance of those articles.

SECT. 28. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the master, owner or supercargo of any carriage or carriages, wagon or wagons, or other vehicle or vehicles intending to pass any place where toll is made payable by the said president and managers,

Proviso.
Toll on cars limited.

2d proviso.

Excess of proceeds appropriated to certain purpose.

Mode of ascertaining burden of cars and of settling disputes as respects tonnage.

Cars to be marked, &c.

Proviso.
Rates of toll on salt, plaster, lumber and coal limited.

Car conductors to give notice of approach to toll house.

- when they arrive within one fourth of a mile from such place, under penalty of two dollars, to blow a trumpet or horn, whereupon the collector of such toll shall attend and receive the same, and permit such carriages, wagons or other vehicles, to pass without unnecessary delay and in safety, and if any carriage, wagon or other vehicle shall be prevented from passing any place so fixed for the collection of tolls, by reason of the neglect or non-attendance of said collector, for more than ten minutes, the president, managers and company shall, on conviction thereof before any alderman or justice of the peace of the proper county, forfeit and pay the persons so hindered the sum of two dollars for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer time.
- Penalty \$2.**
- Company liable for neglect or delay of collector.**
- Penalty.**
- Company to keep road in repair, free from obstructions, &c.**
- Penalty \$20. Recovery and appropriation.**
- Penalty and punishment on doing wilful injury to property of co.**
- Company may recover \$20 penalty on conductors of cars passing toll houses without paying.**
- SECT. 29.** *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order or repair any of the said rail-road, or shall neglect to remove any obstacle that may occur, so that wagons, carriages or conveyances may at all times safely pass along said rail road, the president, managers and company shall, for each and every such offence, forfeit and pay the sum of twenty dollars, to be recovered in the same manner as debts of like amount are by law recoverable before an alderman or justice of the peace of the proper county where the offence shall be committed, one-half to the use of the informer and the other half to the use of the poor of the county in which such part of said rail-road may be situated.
- SECT. 30.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly do any act or thing whereby any engine, machine or device thereunto belonging, or any part of the said rail-road, or any machinery or property of the company shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the said company four-fold the damages by them sustained, together with costs, to be recovered by action of debt, before an alderman or justice of the peace, or in any court of competent jurisdiction, or be liable to be prosecuted in the court of Quarter Sessions of the said county for the same, as a misdemeanor, and upon conviction thereof, be subject to fine or imprisonment, at the discretion of the said court, and if any owner, supercargo, or driver or conductor, (as the case may be.) of any carriage or carriages, wagon or wagons, conveyance or conveyances upon the said rail road, shall pass by any place appointed for receiving tolls, without making payment thereof according to the provisions of this act, with intent to defraud the said president, managers and company out of such toll, he, she or they shall forfeit and pay for every time they shall so pass by such appointed place, to the said president, managers and company, the

sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

SECT. 31. *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 of 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.

Bonds of
treasurer and
other officers.

SECT. 32. *And be it further enacted by the authority aforesaid,* That the said president and managers of the said company shall keep fair and just accounts of all monies received by them from said commissioners and from the subscribers to the said undertaking, on account of the several subscriptions, of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also of all monies by them expended in the prosecution of the said works, and shall in every year, submit such aggregate amount of such receipts and expenditures, shall be ascertained, and if upon such liquidation or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said railroad or rail-roads, with all the necessary works, machinery and devices, according to the true intent and meaning of this act, or if the said work from any casualty should be injured so as to require an increase of the capital stock, it shall and may be lawful for the president, managers and company, at a stated or special meeting to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription or shall be provided by their by laws.

Annual state-
ment of
accounts.

How and
when capital
stock may be
increased.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall also keep a just and true account of all monies received by their several collectors of tolls, and all other emoluments, and shall make and declare a dividend of the clear profits, and income thereof among all the stockholders, and all contingent costs and charges, being first deducted, and shall on the first Monday in January, and the first Monday in July, every year, publish the half yearly dividends, made of the clear profit, and time when, and place where the same will be paid to the stockholders not exceeding twenty days thereafter, and shall cause the same to be paid accordingly.

Semi-annual
declaration of
dividends.

5 years allow-
ed to com-
mence and 10
to complete
work.

SECT. 34. *And be it further enacted by the authority afore-*
said, That if the president, managers and company, shall
not proceed to carry on the work within five years from the
passage of this act, and shall not complete the same within
ten years, according to the true intent and meaning of this
act, then, and in either of those cases, all and singular the
rights, liberties, privileges and franchises, hereby granted
to said company, shall revert to the commonwealth: *Provi-*
ded always, That in case of forfeiture or resumption, by the
legislature of the rights, liberties and franchises hereby
granted, nothing herein contained, shall be construed to
work a forfeiture of the rights of individuals to any land
held by purchase or grant, made by the president, managers
and company, but the same shall be held by individuals, in
as full and ample a manner as they might do if no such
forfeiture or resumption had taken place: *And provided,*

Proviso,
Forfeiture,
&c. of charter
not to injure
rights of indi-
viduals.

2d proviso.
Reservation of
right to re-
peal.

also, That if the said company shall at any time, misuse or
abuse any of the chartered privileges hereby granted, the
legislature may at any time hereafter, resume all and singu-
lar the rights, privileges and franchises, hereby granted to
the said company.

Of the right of
company to
locate, con-
struct, &c.

SECT. 35. *And be it further enacted by the authority afore-*
said, That the said president, managers and company, shall
have full power and authority by their agents, engineers,
surveyors or artists, to survey, lay down, ascertain, mark
and fix, such route or routes, for such rail road or rail
roads, whenever they shall be deemed necessary, between
the points of commencement and termination hereinbefore
mentioned, having regard to the convenience of the public,
and the interest of the stockholders, and to cause such rail
road or rail roads, to be constructed either of timber, stone or
iron, or other sufficient materials, as to them shall seem expe-
dient, and all damages incurred by the location and making
of the said road, or by reason of taking and using the mate-
rials on and near the route thereof, shall be ascertained and
paid in the manner hereinbefore directed.

Rail-road not
to obstruct
passage of
public roads.

SECT. 36. *And be it further enacted by the authority afore-*
said, That the said rail road shall be so constructed, as not
to obstruct or impede the free use and passage of any public
road or roads, whether they be state, turnpike or county
roads, which may cross or enter the same, being now laid
out, and in all places where the said rail road or roads may
cross or interfere with any public road already laid out, it
shall be the duty of the company to cause to be made a good
and sufficient causeway or passage, to enable persons tra-
velling such public road, to cross or pass over or under the
said rail way with safety.

SECT. 37. *And be it further enacted by the authority afore-*
said, That the said company, shall have a right to prescribe
the kinds of wagons, carriages and conveyances, that shall

be used upon the said rail way or rail ways, and to cause such as may be necessary, to be erected by and at the expense of the said company, and to transport thereon any passengers or articles of produce, merchandize, manufacture or otherwise, which may be required to be transported along the same, and to receive therefor such reasonable freight or fare as the said president and managers shall determine: *Provided*, That the said company, shall not prevent any individual or individuals, from transporting any passenger, merchandize, produce or manufacture or other article along the same, he or they using the prescribed carriages, wagons or conveyances, and paying the company tolls therefor at the rates hereinbefore mentioned and provided.

Co. to pre-
scribe kind of
cars to be
used; may
transport pas-
sengers, &c.

Proviso.

Not to pre-
vent indi-
viduals.

SECT. 38. *And be it further enacted by the authority afore-
said*, That no suit or action shall be brought or prosecuted for any penalties incurred by this act, unless such suit or action be commenced within six months next after the offence shall have been committed, or the cause of action accrued; and the defendant or defendants 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 the authority of this act.

Suits for pe-
nalties must
commence
within 6
months from
offence.

SECT. 39. *And be it further enacted by the authority afore-
said*, That any mesne process which may be issued against the said corporation, may be served on any gatherers, agent, directors, or other officers thereof, and that such service shall be held good and valid, and effectual, as a service of such process upon the said corporation; and the said corporation shall annually, on the first Monday of January, report to the legislature the progress they may make in constructing the said rail-road or rail-roads, and also an abstract of their accounts, certified by the oath or affirmation of the president of said corporation, showing the amount of capital stock actually paid in, the state of the surplus or contingent fund, the profits which may have accrued, and the dividends made or declared during the preceding year.

Service of
process on
company.

Annual state-
ment to
legislature.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.