

Two years allowed to commence and five to complete work. on the work in two years after the passing of this act, or shall not, within five years thereafter, complete the same according to the true intent and meaning thereof, then and in either of those cases all and singular the rights, liberties and franchises hereby granted to said company shall revert to the commonwealth.

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.

No. 137.

AN ACT

To incorporate the Norristown, Berks and Lehigh 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 Mark Richards, Joseph Barnes, William W. Wright, Peter Wager, John Patterson, William Stevens, Robert C. Martin and Bernard M. Credy, of the city of Philadelphia, Miles N. Carpenter, Isaac Koons, Benjamin E. Carpenter, Augustine Stevenson, Frederick Klett, Lemuel Paynter, Joseph Huddel and John Y. Bryant, of the county of Philadelphia, Thomas J. Gross, Thomas M. Jolly, Philip S. Markley, Jacob Leshner, George Sheaff, and George Richards, of the county of Montgomery, John S. Bechtel, David Schall, Daniel V. R. Hunter and Reuben Trexler, John Shaeffer, Jacob Fisher, George Hoof, of Berks county, Solomon Fogel, Jacob Dillinger, Peter Newhart, Stephen Balliot, Christian Pretz, Frederick Witman, Michael D. Everhart, Wendal Heimback, Andrew Krouse and Daniel Kline, of the county of Lehigh, 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 June next, procure four books, one of which shall be opened in Philadelphia, Germantown, Norristown and Allentown, in each of which they shall enter as follows: "We,

Commissioners appointed to open books, &c.

whose names are hereunto subscribed, do promise to pay to the president and managers of the Norristown, Berks and Lehigh 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 Norristown, Berks and Lehigh rail road company; Witness our hands this _____ day _____, in the year of

Form of sub-
scription.
Shares \$50
each.

our Lord one thousand eight hundred and _____; and shall thereupon give notice in one newspaper printed in the city and county of Philadelphia, and counties of Montgomery and Lehigh, for two weeks at least, of the times and places, when and where the said books shall be kept open to receive subscriptions, for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or the name of any other persons who shall authorize the same, for shares in said stock; and the said books shall be kept open respectively for the said purpose at least six hours in each juridical day, for the space of six days, or until there shall have been subscribed twenty-five 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-five 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.

Instructions to
stock com-
missioners.

Whole no. of
shares 25,000.

SECT. 2. And be it further enacted by the authority aforesaid, That when ten thousand shares or more of the stock shall be subscribed and the sum of two 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, and the sums paid thereon, 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 in law, by the name, style and title of "the Norristown, Berks and Lehigh rail-road company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and

When 10,000
shares are ta-
ken and \$2
paid upon
each, Gover-
nor to incor-
porate sub-
scribers.

Style of cor-
poration.

General
privileges and
liabilities.

their successors, lands, tenements and hereditaments, goods, chattels and all estate, real, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation and the due management and ordering of the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and using of the said rail road: *Provided further*, That the said company shall at no time hold or possess any land for any other purpose than the construction of the said rail-road, or for depots, toll houses or other necessary works.

Proviso.
Company to
have no bank-
ing, manufac-
turing or trad-
ing privile-
ges.
2d proviso.
Of land to be
held by co.

Commission-
ers to give no-
tice of and su-
perintend
organization.

President, 12
managers, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said named persons or a majority of them shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and twelve managers, all of whom shall be residents of this commonwealth, a treasurer and secretary and such other officers as shall be deemed necessary, that the president and managers aforesaid, shall conduct the business of said company until the first Monday of May then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

Annual
election.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the first Monday of May then next, as aforesaid, 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: *Provided*, That the managers shall be elected in the manner following, that is to say, four managers to serve one year, four to serve two years and four three years, and on the same day in each and every year thereafter, a like election shall take place, when the necessary officers shall be elected, and four managers to supply the places of those whose time has expired to continue in office until others are chosen, and the stockholders shall also meet at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meetings, they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by laws, rules, orders and regulations as aforesaid, 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, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred as aforesaid, shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company, unless he or she has fully paid two dollars on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no persons shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed: *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."

Proviso.
Classification of managers so that four may be elected in each year.

Annual and special meetings of stockholders.

Ratio of vote to shares.

Of votes on transferred shares.

Proviso.
Delinquent stockholders precluded from voting.

2d proviso.
Date of transfer and votes by proxy.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the election of officers provided for in the fourth

Manner of
conducting
election.

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 a judge or justice of the peace, well and truly and according to law to conduct such election, to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes and declare who has been elected, and if it shall at any time happen that an election of president, managers, treasurer, secretary or other 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, secretary, 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 they are hereby required so to do, at least once in every twenty days, till the requisite officers are chosen, and the president, managers, treasurer, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all 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, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

Provision for
supply of va-
cancies.

General pow-
ers and duties
of 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 as shall be found most convenient for the transacting of their business, and when met, seven 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 fix their salaries and wages, to ascertain the time, manner and proportions in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for monies, which orders 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 such share or shares 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 the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares as is therein mentioned, of the capital stock 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 each share, as the original subscriber would have been.

One certificate to be issued for each share of stock.

Which may be transferred at pleasure.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder or of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due, and payable more than thirty days previously to the said election or meeting.

Delinquent stockholders made liable to a penalty and forfeiture of shares.

Or instalments may be recovered.

Proviso.

Delinquents again precluded from voting.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall

Bonds of treasurer and other officers.

demand and require of and from the treasurer and all and every other the officers and other persons by them employed, bond in sufficient penalty 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: *Provided*, That no one officer of said corporation shall at any time be accepted as security for another.

Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present, when such dividend 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.

Semi-annual declaration of dividends. Managers may be liable for improper declaration.

Proviso. Not to exceed 12 per cent.

SECT. 11. *And be it further enacted by the authority aforesaid*, That when actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividend declared within each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president for the time being.

Annual abstract to Legislature, under oath.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company, of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said rail-road, and the same to alter or change before completion, beginning at the borough of Norristown, in the county of Montgomery, connecting with the Philadelphia and Norristown rail-road; thence to the Swamp churches in said county; thence by way of the west branch of Perkiomen creek, in the county of Berks, if found practicable, after a full examination of the ground, and survey being made upon the route for the location of said rail-road; but if found impracticable to locate the rail-road on the

Location and route of rail-road.

aforementioned route, then the most eligible route shall be adopted to intersect the Beaver Meadow rail-road, at or near the borough of Northampton, in the county of Lehigh, having due regard to the situation and 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 five rods wide, and shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof, nor shall it pass through any out buildings of the value of five hundred dollars, without such consent; and the said president, managers and company, shall, within six months after the completion 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, and also in the Prothonotary's offices of said counties through which the road passes, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company.

Maps of location to be filed in Secretary's office, and in offices of the several prothonotaries.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president, managers 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.

Authority given to company to enter upon lands to locate and 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 double rail road, on the route laid out as aforesaid, and they are also hereby empowered to erect, make and establish, all works, edifices and devices, to such rail-road as may by the said company be deemed expedient, for the purpose of carrying into effect the objects of their incorporation, and also to contract or agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of constructing and using the said rail-road.

Authority to make a double rail-road, to erect works, &c.

SECT. 15. *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

In case of disagreement with owners of property how damages shall be ascertained.

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 the injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after 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 costs and charges of the said corporation, to appoint twelve disinterested men of said county to view, examine and survey the said lands, tenements and 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 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*, Upon payment or tender of payment by the said company, of the sum specified in the report of the

Viewers fees.

Proviso.

Right of either party to appeal.

Payment of award to vest right in company.

2d proviso.

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 herein before prescribed.

Upon tender of award no need not await issue of appeal.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said rail-road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter at the same, being now laid out or hereafter to be laid out; and in all places where the said rail-road may cross or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road to cross and pass over or under the said rail-way, which causeway or causeways shall be made and maintained 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, they shall be liable to pay a penalty of twenty dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, 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

Public causeways to be erected.

Company liable to a penalty for neglect.

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 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 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 not be required to make or cause to be made, more than two such causeways 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, 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 when duly notified thereof, the said company shall be liable to pay to any person aggrieved thereby, all damages sustained by such person in consequence of such refusal or neglect,

Private causeways to be constructed.

Proviso. Not more than two to each plantation, &c.

To be kept in repair, &c.

2d proviso.
Company not
to prevent
land holders
from erecting
causeways.

to be sued for and recovered before any magistrate, or any court having cognizance thereof: *Provided*, That this act may not be so construed as to prevent owners of land through whose property the said rail-road passes, from constructing crossing places over said rail-road, but to be such as are usually made by the said company.

Suits for pen-
alties must
be com-
menced with-
in 6 months
from date of
offence.

SECT. 18. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or 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.

Connection of
lateral rail-
roads per-
mitted.

SECT. 19. *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 rail-roads, 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.

Rates of toll
allowed.

SECT. 20 *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road, the said company may charge and receive tolls, and for freight in, and for transportation of goods, wares and merchandize, and for the conveyance of passengers not exceeding the following rates, that is to say, on each ton of produce, minerals or other commodities not enumerated, below two cents per mile; for boards, plank, scantling, or other sawed stuff reduced to inch measure, two cents per thousand feet; and for shingles, two cents on each fifteen hundred thereof; and all fractions not less than three-fourths of a ton, shall be considered a ton, and on empty cars, or those carrying less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, three cents each per mile; but no person or persons shall ride, lead, drive or pass along said rail-way any horse or horses, cattle or animal of what kind soever, nor place any car or other carriage thereon without a permit or license first had and obtained from said company, subject to such rules and regulations as shall from time to time be established by the said company, to govern the use of said rail-road: *Provided*, That on the completion of one track of a section of five miles of said rail-road, the said company shall be at liberty to charge and receive tolls according to the rates aforesaid: *And provided also*, That all persons using the said road, shall only use those cars, wagons and con-

Proviso.
To commence
on completion
of 5 miles.
2d proviso.
Description of
cars.

veyances, which shall be adapted thereto, which said cars, wagons and conveyances, to be used thereon for the transportation of persons or commodities, shall be prescribed by the said company: *And provided further*, That whenever the nett proceeds of the aforesaid tolls shall exceed twelve per cent on the capital expended, they shall be so reduced as not to exceed that amount.

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 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 said company, and shall also be subject to indictment in the court of Quarter Sessions of the said county, and upon conviction of such offence, shall be punished by fine and imprisonment at the discretion of the court.

SECT. 22. *And be it further enacted by the authority aforesaid*, That if the president, managers and company, shall not proceed to carry on said work within three years from the passage of this act, and shall not complete the same as aforesaid, or at least one track thereof, in five years, according to the true intent and meaning 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 said company to make reparation for damages.

SECT. 23. *And be it further enacted by the authority aforesaid*, That if any increase of the capital stock be deemed necessary by the stockholders to complete the said rail-road, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares so that they shall not exceed in the whole five thousand, and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as is herein before provided for the original subscription, or as shall be provided for by the by-laws.

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

Proviso.

Engines not to interfere with travelling on other roads, &c.

Annual statement under oath to Auditor General.

State tax on dividends.

ation, and also the right to alter the charter and to regulate and further limit, the tolls, whenever they think proper: *And provided.* If in the use of any locomotive engine or engines on the said road it should be found that the said engines should prove prejudicial or injurious to the safe travelling on any of the public highways, roads or streets, near or adjacent to the said rail-road, upon complaint being made before the court of Quarter Sessions of the county where such injury or danger from the passing of the locomotive engines are represented to exist, it shall be in the power of the court aforesaid to take such order upon the complaint as to remove and remedy the danger so complained of.

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

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 138.

AN ACT

Authorizing the Governor to incorporate the Philadelphia steam tow-boat 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 Henry Cope, Joseph R. Evans, Samuel Comly, James Le Fevre, James G. Stacey, Stephen Baldwin, Ashbel G. Ralston, Thomas E. Walker, William D. Lewis, Joseph Hand, Francis Harley, senior, A. S. Roberts, Joseph Solms, Wm. G. Alexander, M. E. Israel, W. P. Bryan, Thomas D. Grover, Francis Breuil, Israel Cope, John Hemp-

Commissioners appointed to receive subscriptions of stock.