

That no person or persons shall hold or be owners of any of said stock, who are not citizens of, or resident in the United States; and if any transfer be made to any such person or persons, the same shall be to all intents and purposes null and void: *Provided further*, That the office of the said company shall all times be located within the district of Spring Garden.

2d Proviso.

Legislative
right to rep^l.

Proviso.

SECTION 12. If at any time it shall appear to the Legislature, that the privileges hereby granted are injurious to the public welfare, the power to repeal this act shall not on any condition be denied or impaired, but such repeal shall not effect any engagements to which the said company may have become a party previously thereto; and the said company shall have a reasonable time to bring their accounts to a final settlement and determination: *Provided*, That the said company shall be subject to such provisions and regulations as the Legislature may at any time enact, for taxing the insurance companies of this Commonwealth.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and thirty-five.

GEO: WOLF.

No. 166.

An Act

To authorize the Governor to incorporate the Norristown and Valley Rail-road company, and for other purposes.

Commiss'ners.

SECTION 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 Joseph J. Lewis, George Massey, Maurice Richardson, John Roberts, Thomas Hutchinson, David Wilson, Richd. M. Thomas, Joseph B. Jacobs, John Beaver, Cromwell Pierce, John M. Davis, of the county of Chester; Jonathan Roberts, Thomas M. Jolly, George W. Holstein, James Wells, John Elliott, jr., Henry Longaker, Isaac H. Miller, Henry Potts, James H. Webb, John Freedley, William Z. Matheys, A. J. H. Duncan, William Kennedy, Henry Coates, William Hamille, John Rogers, John Shearer, John Stevens, Cadwallader Evans, George D. Sheoff, Levi Wentz, George Richards, John H. Sheets, Joel K. Mann, John M'Kay, Walter W. Paxon, Richard

B. Jones, Christian Keisel; Wm. Holstein, Adam Slemmer, George M. Potts, John S. Leibert, Ardemus Stewart, Evan Jones, Joseph C. Morgan, Joseph Mather, Joseph Royer, Henry Sheetz, John B. Steregere, Charles Smith, Samuel D. Patterson, Jacob Fry, junr., Robert Bethel, Topliff Johnson, William Stevens, James M. Pawling, and William Henry, of the county of Montgomery; Samuel Badger, John Savage, Thomas Weaver, Jacob Hubeli, George W. Jones, James M'Cormack, Edward Wartman, Henry Berrell, William J. Lewis, Thomas M. Rush, Matthias Holstein, Jonathan M. Wright, Samuel Nevins, Joseph S. Kite, Jacob Alter, James R. Wilson, Isaac Otis, Benjamin E. Carpenter, William D. Lewis, John Miles, Charles W. Horner, Daniel Smith, Peter Hotz, senr., Daniel Jeffris, senr., John Weaver, John Grim, Lewis Shinnick, John H. Dohnert, Henry Painter, George Reed, George Wunner, Peter Baker, Ignatius McDonough, George M. Hickling, Charles Boker, R. L. Loughead and Robert O'Niell, Montgomery P. Young, William F. Lehman, Michael E. Israel, Samuel Heintzelman, Jacob Heyberger, John M'Cormack, Alexander Taylor, Daniel Huh, jr., John Lentz, Philip Peltz, jr., Joseph Burden, Daniel Lafferty, Thomas Hubble, Paul S. Brown, Franklin Vansant, George Rundel, William A. Martin, Augustus J. Miller, Charles Doran, Isaac Helfenstein, James Enue, jr., Alexander W. Reed, Francis McBride, Robert McAfee, William Rheiner, jr., Daniel Binder, Benjamin Hutchinson, Z. B. Ziegler, Peter Buddy, John F. Ashton, Daniel Snyder, Joseph Dickinson, Jacob Haas, Joseph Hergesheimer, Miles N. Carpenter, Samuel J. Pearson, Peter Schriver, R. H. Bartle, William Lewellen, Thomas Pratt, Lemuel Paynter, jr., Charles Rizer, John J. Krider, John Whiteman, William G. Alexander, Thomas D. Grover, Francis Clinton, William J. Orans, John Floyd, jr., Thomas M'Culley, John Lisle, William King, John R. Vodges, William Webb, Joseph Potts, John Baird, James Sandres, Genl. Samuel Castor, John Foulkrod, William A. Lee, Robert W. Harper, Rudolph K. Harley, M. Bomeislee, Isaac Castor, Philip Peltz, Jacob Baker, junr., Edward Bartholomew, Elijah Dallet, Samuel Nevins, Joseph C. Burden, Benjamin T. Bioren, Abraham Okie, Isaac Abraham, Freeman Scott, John Gear, Thomas Sutton, James Simpson, Peter Gibbert, John M'Cahn, John M'Grath, Moses Furten, B. M. Henchman, George Jeffries, Joel Cook, John B. Trevor, John Shruthers, William B. Blight, James Twaddell, Joseph Aitken, Morgan Ash, Thomas Barnet, John D. Neff, Samuel S. Reed, George Kirkpatrick, Jacob Thomas, Isaac Shubert, Andrew Dever, Henry D. Lentz, Caleb Churchman, Andrew Hooten, George Hoffner, Alexander Wentz, Peter Wager, Wm. Badger, Samuel R. Wood, Jacob Souder, John Naglee, Charles Votier, Simon Gratz, C. Rockland Thompson, George W. Riter, Francis E. Bruil, William White, jr., John K. Kane, Wm. Hunter, Elihu Chauncey, Caleb P. Iddings, George Wartman, Joseph B. Haines, Benjamin Sage, William

said commissioners may adjourn from time to time and transfer the book or books elsewhere until the whole number of ten 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*, That no person be permitted to subscribe for more than twenty shares on the first day, and not more than one hundred on the second, after which any person may subscribe for any number of shares until the whole stock is taken: *And provided also*, That no subscription shall be valid unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each and every share for the use of the company. Proviso.
2d-Proviso.

SECTION 2. When five thousand shares or more of said stock shall be subscribed and the sum of five dollars paid on each and every share, as aforesaid, the commissioners or any twelve of them shall certify to the Governor, under oath or affirmation, the names of the subscribers and the number of shares subscribed by each, and the sum of five dollars on each share paid at the time of subscribing; 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 subscribe thereafter to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Norristown and Valley rail-road company, and by the same name title. When 5000 shares are taken and \$5 paid on each share, charter may issue.

the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate real, personal or mixed of what kind and quality soever, and the same from time to time to sell, exchange, mortgage, grant, alien or otherwise dispose of, and to make dividends of such portions of the property as they may deem proper; and also to make and have a common seal and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States and this Commonwealth; and to own and place locomotive engines and cars on the said rail-road and transport persons, minerals, produce and merchandise and other articles, as well as the United States Mail thereon; at and for such prices or compensation as shall be agreed upon by the said company and such persons, and the owners or such persons having in charge such minerals, produce, merchandise and other articles, and such persons as may be authorized to contract for the conveyance of the mail; and Style and title.
Privileges & liabilities.

generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever.

SECTION 3. The said commissioners or any twelve 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, 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; eight managers all of whom shall be residents of this Commonwealth: and the said managers together with the president, elected as is hereinafter prescribed, shall conduct the business of said company until the second Monday in December then next, and until like officers shall be chosen; and make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this State, as may be necessary for the well governing the affairs of the said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

SECTION 4. The stockholders shall meet on the second Monday of December in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous in the newspapers before mentioned, and choose by a majority of the votes present eight managers 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 shall be summoned by the president and 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 the 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 proportion following: for every share not exceeding two shares one vote; for every two shares above two and not exceeding ten shares, one vote; and for every five shares above ten, one vote; but 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 execu-

tor or administrator, or executor, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election, and all votes by proxies shall be on such terms and conditions as are prescribed by the act passed the twenty eighth day of March, one thousand eight hundred and twenty, entitled An act regulating proxies: *And provided also*, That no share shall be entitled to vote at any election or at any general or special meeting of said company on which any instalment or arrearage may have been due and payable more than thirty days previously to said election or meeting.

Proviso.

2d Proviso.

SECTION 5. The election of managers provided for in the third 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 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 to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of voters and declare who has been elected; and if it shall at any time happen that an election of managers shall not be made, the corporation for that cause shall not be dissolved, but it shall be lawful to hold and make such election of managers on any day thereafter, by giving at least ten days notice signed by the president and secretary, in the newspapers before mentioned of the time and place of holding said election; and the managers of the preceding year shall in that case continue to act and be invested with all the powers belonging to their situation; until an election shall take place; in case of the death, resignation, removal from the State or ceasing to be a stockholder of any manager, his place may be filled by the board of managers until the next annual election, and the said managers shall have power and authority annually within three months after the annual election of managers as prescribed by the fourth section of this act, and whenever a vacancy shall happen or at any other time to elect a president, treasurer and secretary, who shall serve until others are elected.

Manner of conducting elections.

Neglect, not to dissolve.

Vacancies, how filled.

SECTION 6. The said president and managers shall meet at such times and places as shall be found most convenient, for transacting of their business, and when met five shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed they shall be empowered and have 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 busi-

Meetings of president and managers.

5 a quorum.

Appoint officers, &c.

ness of the company, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for moneys, which shall be signed by the president or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things as by the act and by the by-laws and regulations of the company they are hereby authorized to do.

Certificates
of stock.

SECTION 7. The said managers and president first chosen, shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation to each

Transferable.

person, for the number of shares by him or her subscribed or held, which certificate or evidence of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, one 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 or her as aforesaid, shall be entitled to one share of the capital stock of all the estates and emoluments of the company, incident to one share, and to a vote as aforesaid at the meeting thereof, and subject to all penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share as the original subscriber would have been.

Rights of
assignee.

Penalty on
delay in
paying
instalments.

SECTION 8. If after thirty days notice in the newspapers 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 or on account of such shares, the same shall be forfeited to 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 of any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalties aforesaid.

Or suit may
be brought.

SECTION 9. The president and managers of said company shall demand and require of and from the treasurer, and may demand and require of and from all and every other officer, and other person by them employed, bond in sufficient penalties, and with such securities as the said company shall by their rules, orders and regulations require, for a faithful discharge of the several duties and trusts to them respectively committed.

Bonds of treasurer and other officers.

SECTION 10. Dividends of so much of the profits of the institution, as shall appear advisable to the president and 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 nett profits actually acquired by the company, so that the capital stock shall never be impaired thereby. If the said president and managers shall make a dividend, which shall impair the capital stock of said company, the managers consenting thereto, shall be liable in their individual capacity to the said company for the amount of the stock so divided; and each manager present, when such dividend shall be declared, shall be adjudged to be consenting, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend: *Provided*, When such dividend shall exceed twelve per cent. per annum, then one half of such excess shall be paid into the State Treasury, and placed to the credit of the education fund.

Declaration of dividends.

Not to impair capital.

Proviso.

SECTION 11. The president and managers of the said rail-road company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a rail-road, with as many sets of tracks as they may deem necessary, beginning at some point of the Columbia and Philadelphia rail-road, east of the Brandywine creek, and terminating at some suitable point of the Philadelphia, Germantown and Norristown rail-road, at or near the borough of Norristown, in the county of Montgomery: *Provided*, That said rail-road, (except in deep cuts and fillings, or at points selected for depots or engine or water stations,) shall not exceed four rods in width, and it shall not pass through any burying ground or place of public worship, or any dwelling house without the consent of the owner thereof.

Location of road.

Proviso.

SECTION 12. The said president and managers shall have power and authority by themselves or their superintendents, engineers, artists and workmen to enter in and upon and occupy all land on which the said rail-road or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh scales or any other purpose necessary or useful in the construction and repairs of said rail-road, and therein to dig and embank, make and construct the same; and the said company shall pay or satisfy the owner or owners of the ground so taken and occupied as aforesaid, 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

Right of entry upon lands to make road and take materials.

Payment to be made for ground taken

In case of
disagreement
viewers to be
appointed.

to appoint five suitable, judicious and disinterested persons residing in the county wherein the lands may lie, who shall be under oath or affirmation, fairly and impartially to estimate the same, but if either party refuses to join in such appointment or they cannot agree upon such persons, then either of the parties, after giving ten days notice to the other, may make application to the court of Common Pleas of the proper county wherein the lands may lie, to appoint six disinterested men of said county to view the said lands and tenements and estimate the damages, if any, that has been sustained by the owner or owners of the said ground by reason of the construction of said rail-road through the same, which said jury of valuers, being duly sworn or affirmed, as aforesaid; and having viewed the premises shall proceed to ascertain the quantity and quality of lands occupied by said rail-road, and having taken into consideration the advantages that have or will be derived to the owner or owners of said land from the said road, shall estimate the compensation for said land and report the same to said court, which report being confirmed by said court, judgment shall be entered thereon and execution may issue in case of non-payment of the sum awarded, and the expenses incurred by the jury shall be paid by said rail-road company: *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:

Proviso.

2d Proviso.

And provided also, That if any person or persons owning land or other property which shall be affected by this act, be feme covert, under age, non compos mentis or out of the State, then and in either of the cases the president and managers of said company, and at the cost and charges of said company, shall within one year after the construction of said rail-road through said land, represent the same to the court of Common Pleas in the county where the lands lie, as the case may be, who shall proceed thereon in the same manner and to the same effect as directed by this act in other cases.

May enter
upon lands
contiguous
for materials.

SECTION 13. The said president and managers by and with their superintendents, engineers, artists, workmen and laborers with their tools, instruments, carts, wagons and other carriages and beasts of draught and burden, may enter upon the lands contiguous and near to said rail-road, first giving notice to the owners or occupiers thereof, and from thereon to take and carry away stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damage that may have been done thereon, the amount whereof, if the parties do not agree, shall be assessed as hereinbefore mentioned in this act.

Rail road not
to obstruct
the passage
of public
roads, &c.

SECTION 14. The said rail-road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same; in all cases

where the said rail road may cross or in any manner interfere with any existing public road, canal or slackwater navigation, the said company shall make or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways to enable all persons passing or travelling such public roads, canal or slackwater navigation to cross and pass over or under said rail-road, and if the company shall neglect or refuse to keep such way or causeway in good repair, they shall be liable to a penalty of ten dollars; for every day the same shall be so neglected or refused to be repaired, after being duly notified thereof, to be recovered by the supervisors of the township or borough with costs for the use of the township or borough, as debts of the same amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

Construction of causeways.

Penalty on neglect.

SECTION 15. For the accommodation of all persons owning or possessing through which the said rail-road may pass, it shall be the duty of the said company to make or cause to be made, a good and sufficient causeway whenever the same may be necessary to enable the occupant or owner of said land to cross under or pass over the same with wagons, carts and implements of husbandry as occasion may require, and the causeway, when so-made, shall be maintained and kept in good repair by said company, and if the said company shall neglect or refuse, on request, to make such causeway or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided*, That the company shall in no case be required to make or cause to be made more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail-road may pass, and when any public road shall cross said rail-road, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect and keep in repair any causeway for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use so as to be made to accommodate a public road laid out subsequent to the passage of this act, then and in such case the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair.

Private causeways to be made by company;

Penalty on neglect.

Proviso.

1 Causeway through each plantation.

2d Proviso.

SECTION 16. No suit or action shall be prosecuted by any person or persons for any penalties incurred under this act unless such suit or action shall be commenced within twelve months next after the offence committed or the cause of action accrued, and the defendants in any such suit or action may plead the general issue and give this act and the special matter

Suits of action must be commenced within 12 months.

in evidence and that the same was done in pursuance and by authority of this act.

Process may be served upon any agent.

SECTION 17. In all suits or actions brought against the said company, the service of process on any manager, toll gatherer or other officer of the company, shall be as good and available in law as if made on the president thereof.

Penalty for wilfully injuring works.

SECTION 18. If any person or persons shall wilfully and knowingly break, injure or destroy the said rail-road hereby authorized 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 it and pay to the said company three times the actual damages so sustained, to be sued for and recovered with full costs, before any tribunal having cognizance thereof by action in the name and for the use of the said company.

Wilfully obstructing road, declared a misdemeanor

SECTION 19. If any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly, or with evil intent, any obstruction on the line of the rail road, so as to jeopard the safety, and endanger the lives of persons travelling the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction to be imprisoned in the Eastern Penitentiary of Pennsylvania for a term not exceeding two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Proviso.

President & managers to regulate travelling and transportation on said road.

SECTION 20. It shall and may be lawful for the president and managers from time to time to ordain and establish, rules and regulations for the due ordering of all travelling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations as they may deem expedient; and that they shall have full power and authority to prescribe the kinds and descriptions of locomotive engines, cars, carriages or wagons to be used on the said road for the conveyance of passengers, and the transportation of the mails or of goods, wares, merchandise and minerals, and to regulate the speed at which they shall travel; and to adopt and enforce such rules and regulations in relation to the transit thereof as they may deem expedient: *Provided*, That the toll on any species of property shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile: *Provided further*, That persons running locomotives on said road shall use no other fuel for the purpose of generating steam than coke or mineral coal.

Proviso.

2d Proviso.

Company allowed 3 years to commence and 7 to complete road.

SECTION 21. If the president, managers and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within seven years as aforesaid, according to the true intent and meaning of this act, or if after the completion of the said road, the said

company shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

SECTION 22. The president and managers of the said company shall be and are hereby authorized to increase the capital stock of the said company from time to time, so that the whole number of shares thereof shall not exceed sixteen thousand, of fifty dollars each, and to sell and dispose of so many shares, as that the whole shall amount to the said number of sixteen thousand, and to receive subscriptions therefor, and to regulate the payments therefor to be made to the said company, and the subscribers to, and the purchasers thereof, and his, her or their assignee or assignees, and shall be subject to the like penalties and liabilities in regard to the same, as are prescribed by the eighth section of this act: *Provided*, That the said company shall have the power to borrow money on loan to enable them to finish their works, and to give mortgages, certificates or other evidences, and securities for the payment thereof; the same to be convertible or not convertible into stock, as shall be agreed on between said company, and the lender or lenders.

Increase of capital stock.

Proviso.

SECTION 23. At the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the Legislature, an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of the said company, the amounts received for tolls and transportation, and rates charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company.

After 3 years and annually thereafter, statement to be made to Legislature.

SECTION 24. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the Legislature may resume all and singular the rights and privileges hereby granted to the said corporation.

Reservation of right to revoke charter

SECTION 25. When a good and sufficient rail-road shall be completed, agreeably to the provisions of this act, the property of the said road shall be vested in the said president; directors and company and their successors for and during the term of twenty years, to commence from the time when the said road shall be completed, and until such time as the Commonwealth shall purchase the said road, and after the expiration of twenty years, as aforesaid, it shall be lawful for the Commonwealth to purchase the said rail-road, and the company shall be obliged to take such sum of money therefor as shall have been expended by them in the construction of the said road and its appurtenances, or in the payment of damages for and on account of such construction, together with interest on the said sum at six per cent. per annum. if the nett proceeds of the tolls on the said road shall not amount to such interest, and if such nett proceeds shall not amount to six per cent. on such sum, then in addition to the same so much as will make the same equal to six per cent., and

When completed, rail r. vested in comp. and successors for term of 20 ys.

Right of Common'h to purchase.

Of tolls.

that the tolls shall not at any time be reduced below the tolls upon the Philadelphia and Columbia rail-road.

Right of
Lorberry crk.
rail road co.
to increase
tolls.

Proviso.

SECTION 26. The president and managers of the Lorberry creek rail-road company, in Schuylkill county, are hereby authorized and empowered, if the interest of said company require it, to raise the toll from one and a half to two and one half cents per ton per mile on a ton of stone coal: *Provided however*, That whenever the nett profits of said company shall exceed twelve per centum per annum on the capital stock paid in, then to reduce the toll within the aforesaid limits: *And provided further*, That the said company shall not be permitted to increase the toll as aforesaid, until they shall have completely ironed the tracks on said rail-road.

JAMES THOMPSON,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

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No. 167.

An Act

For the relief of Robert Dunn.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the State Treasurer is hereby authorized and required to pay to Robert Dunn, of Franklin county, or order a gratuity of forty dollars.

JAMES THOMPSON,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini, eighteen hundred and thirty five.

GEO: WOLF.