

and shall only vest the interest which the Commonwealth may have by escheat.

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. 183.

### *A Supplement*

To the act, entitled An act authorizing the Governor to incorporate the Strasburg rail-road, the Williamsport and Elmira rail-road, the Marietta and Columbia rail-road, the Portsmouth and Lancaster rail-road, and incorporating a company to make the Oxford rail-road, and relative to the Cumberland Valley rail-road and the Wrightsville, York and Gettysburg rail-road.

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 the commissioners appointed to open books for subscriptions to the stock of the Williamsport and Elmira rail-road, or the directors elected in pursuance of the act incorporating the said subscribers, are hereby authorized to increase the number of shares of stock to not exceeding sixteen thousand, and that William P. Farrand and Mathew C. Ralston, be added to the commissioners appointed by the act to which this is a supplement.

Shares of stock may be increased.

Power of directors to parts of road.

SECTION 2. The directors shall have power to open for public use such sections or parts of the road as may be completed from time to time and to charge tolls thereon, or they may at their option and as suits their convenience, reserve the road to their own use until thirty-five miles are completed.

Two years for commencing and 5 for finishing allowed.

SECTION 3. The terms of two years for commencing, and five years for completing the Marietta rail-road, in the county of Lancaster, according to the act to which this a supplement, passed on the ninth day of June, one thousand eight hundred and thirty-two, are hereby renewed and shall recommence from the day of the passage of this act; and that Matthew C. Ralston, and William P. Farrand, be added to the commissioners appointed by the act to which this is a supplement.

Additional commis'ners.

SECTION 4. The act entitled An act to incorporate the Cumberland Valley rail-road company, passed on the second day of April, one thousand eight hundred and thirty-one, is hereby revised, and the term for commencing and finishing the work is hereby extended six years from the passing of this act, with full power and authority to construct the rail-road from the Susquehanna river, by the way of Carlisle and Shippensburg to Chambersburg, in the county of Franklin, and the said company shall have all the powers conferred by the said act, and be subject to the same restrictions thereby imposed not inconsistent with the foregoing provisions.

SECTION 5. Alexander Small, Henry Welsh, Walter S. Franklin, James Lewis, Michael Doudel, Thaddeus Stevens, James B. Latimer, Philip A. Small, Daniel Small, Robert J. Fisher, William H. Kurtz, John Gardner, Robert Boyd, Thomas C. Miller, James A. Thompson, Charles A. Barnitz, William White, John S. Futhy, John Kauffelt, Thomas McGrath, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they or any three of them shall procure a sufficient number of suitable books and in each of them enter as follows, viz: "We each of us whose names are hereunto subscribed, do promise to pay to the directors of the Wrightsville and York rail-road company, the sum of fifty dollars for every share of stock set opposite our respective names and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled "An act authorizing the Governor to incorporate the Wrightsville and York rail-road company;" Witness our hands the day of Anno Domini, one thousand eight hundred and thirty- and shall thereupon give at least twenty days previous public notice in four newspapers printed in the county of York, and in two of the daily papers printed in the city of Philadelphia, of the times when and the places where some one or more of the aforementioned commissioners will attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every judicial day for the space of three days or until there shall be subscribed in the said books three thousand shares, and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners at their discretion may adjourn from time to time and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may to them seem to require; but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of one dollar on each share for the use of the company.

Time for commencing and finishing the Cumb. V. rail road extended to 6 years.

Commissioners to open books &c.

Three may Form of subscription.

\$50 per share

Notice to be given.

Whole No. 3000 shares.

\$1 to be paid on each share

Arrangement  
for fair  
distribution  
of stock.

**SECTION 6.** That if more than three thousand shares shall be subscribed in the time specified in the first section, to the capital stock of the said company, the said commissioners or a majority of them shall reduce the subscription to three thousand shares, by striking off from the largest number of shares in succession until the subscriptions shall be reduced to three thousand shares or each of the subscriptions to one share, and if there shall be still an excess, then lots shall be drawn by the commissioners to determine who shall be excluded.

Style.  
Rights,  
powers, &c.

**SECTION 7.** That when one thousand shares or more shall be actually subscribed, and one dollar on each share paid to said commissioners, the said commissioners or a majority of them shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on the receipt of such certificate the Governor shall by letters patent, under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law by the name, style and title of "The Wrightsville and York rail-road company," and by the same name the subscribers shall have perpetual succession and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy to them and their successors and assigns lands, tenements and hereditaments, goods, chattels and all estates real, personal and mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving the said corporation any banking privileges or any other liberties, privileges or franchises but such as may be necessary or incident to the making and maintaining the said rail-road, and to the conveyance of passengers and the transportation of goods, merchandise and commodities thereon.

Proviso.

No banking  
privileges  
allowed.

Ann. election  
of directors.

Appointment  
of president.

**SECTION 8.** For the management of the affairs of the said corporation, seven directors shall be elected by ballot, annually by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States and of this Commonwealth, as may be necessary for the well ordering of the affairs of the said company:

*Provided*, That none but stockholders shall be eligible to be elected directors, and that at every such election and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and also that in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected. Proviso.

SECTION 9. No share of stock shall be entitled to a right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it shall be held 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 the use and benefit of any other person; that no share or shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting, and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled *An act to regulate proxies*: *Pro-* Shares must be held 3 months prior to election.

*vided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented. Delinquents not to vote.

SECTION 10. The aforesaid commissioners or a majority of them shall as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing seven directors as provided for in the preceding sections, and that annually thereafter the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election be held the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy from death or resignation of any director his place shall be filled by the board of directors. Organization of company.

SECTION 11. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who in the absence of the president, may appoint a president pro tem. The said directors shall appoint a secretary, Time of ann. election.

Proviso.

2d Proviso.

Meetings of directors, 4 a quorum.

Directors to app't officers. treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of every person failing to pay any instalment so required; to regulate tolls; to make such covenants, contracts and agreements with any person, co-partnership or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements and other affairs and proceedings of the company.

To call in instalments.

Certificates of stock.

Transferable.

SECTION 12. The directors first chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however, to all the payments due and to grow due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees under such regulations as may be provided by the by-laws.

Ann. statem't of directors.

Meetings of stockholders.

SECTION 13. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Right of construction.

SECTION 14. The said company be and they are hereby authorized as soon as they conveniently can, to locate and construct a rail road of one or more tracks from the borough of Wrightsville to the borough of York to Beaver street, north of Princess street, in said borough; and to make, construct and erect such ware houses, toll houses, carriages, cars and all other works and appendages necessary for the convenience of the said company in the use of the said rail road.

Right to enter upon lands to locate and for materials.

SECTION 15. It shall and may be lawful for the said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of the said rail road, doing thereto no unnecessary damage, and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such land, and also to take from any land in the neighborhood, gravel, stone, wood and

other materials for the purpose of constructing and maintaining such rail road, subject however, to such compensation as the company may have agreed to pay therefor, or as shall be ascertained in manner hereinafter respectively directed.

SECTION 16. When the said company cannot agree with the owner or owners of such required land for the purchase thereof, or for the damages sustained by such owner or owners, or as to the value of the compensation to be paid to the owner or owners of any sand, gravel, stone, wood or other material taken for the purpose aforesaid, or where by reason of legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, the court of Common Pleas for the proper county, on application thereto by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county to summon the said twelve persons to meet on the land so required or from whence the said materials shall and may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant shall forthwith summon the said twelve persons and shall give at least eight days notice to the respective parties, and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared shall, in the case of land so required, administer to each of them an oath or affirmation that he will faithfully, justly and impartially value the said land occupied or required for such rail-road or other works, and all damages which the owner or owners shall sustain or may have sustained by reason of the construction of the said rail-road and other works, taking into consideration the advantages as well as the disadvantages of the same to the said owner or owners according to the best of his skill and judgment, and in the case of materials taken for the purpose aforesaid, that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such rail-road and other works to the said owner or owners, according to the best of his skill and judgment; whereupon the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties; and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff within five days thereafter to the prothonotary of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their respective services as are allowed to the execution of an order issued by the Orphans' Court for the valuation of lands of an intestate, under the intestate laws of this Commonwealth.

In case of non agreement.

Viewers to be appointed.

To be summoned by sheriff.

Their oath.

Duties.

Verdict.

Fees.

**SECTION 17.** Either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding section within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the court of Common Pleas of the proper county, who may either affirm or set aside the same as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff in the manner before specified: *Provided*, That upon the subsequent proceedings if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Right of appeal within 20 days from filing of verdict.

Proviso.

Erection of passages or causeways

**SECTION 18.** It shall be the duty of the said company to construct and keep in repair good and sufficient passages across the said rail-road, where any public roads shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads, shall not be obstructed and also when the said rail-road shall intersect any farm to provide and keep in repair a suitable passage for the use of said farm.

Road to be a highway.

**SECTION 19.** On the completion of the said rail-road, the same shall be esteemed a public highway for the conveyance of passengers and transportation of merchandise and commodities under such regulations as shall be prescribed by the directors, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property as they shall from time to time think reasonable: *Provided*, That the toll on any species of property shall not exceed five cents per ton per mile, nor upon passengers more than two cents each per mile.

Tolls.

Proviso.

Penalty on passing toll house without paying.

**SECTION 20.** If any owner or driver of any car, carriage, wagon or conveyance upon the said rail-road, shall pass by any place appointed for receiving tolls without making payment thereof with intent to defraud the said company, he, she or they so offending shall forfeit and pay for every such offence for the use of said company, the sum of twenty dollars, 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.

Dividends to be declared semi ann'ally Not to exceed nett profits.

**SECTION 21.** Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives 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 thereby impaired; and if

the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto shall be liable in their individual capacities to the said company for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring such dividend.

SECTION 22. No suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, or the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act. Suits must be commenced within a year

SECTION 23. 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, or shall in any manner obstruct the free passage along the said rail road, he, she or they shall forfeit and pay to the said company three times the actual damage thereby sustained, to be sued for and recovered with costs of suit in any court having cognizance thereof by action of debt, in the name and for the use of the company. Penalty on wilfully injuring works of company. How recover'd

SECTION 24. If the said company shall not carry into effect the objects of their charter within the term of ten years from the passing of this act, or if after the completion of the said rail road, the said corporation shall suffer the same to go to decay, and be impassable for the term of one year, then this charter shall become null and void, except so far as compels said company to make reparation for damages. Time of completion. Forfeiture of charter for neglect.

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.