

and expenses of said railroad, with an interest of eight per centum per annum thereon.

SECTION 24. The said Wrightsville and Gettysburg railroad shall be constructed of the same width of the Philadelphia and Columbia railroad, and be calculated to pass the locomotive engines running, and the cars of the said Philadelphia and Columbia railroad; and the said company shall at all times permit the locomotive engines running on the railroads of this state, with the cars attached thereto, to pass from end to end of said railroad, by paying the same tolls that shall be charged on the Pennsylvania railroads at that time. Rate of toll.

SECTION 25. The present Wrightsville, York and Gettysburg railroad company may, if they deem proper, surrender their present charter, and accept this in the place of it, and all the stock and property of said company shall become the stock and property of the company hereby authorized, such acceptance to be notified to the Governor, in thirty days after the passage of this act. This charter may be accepted by another comp'y.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-first day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 53.

An Act

Authorizing the Governor to incorporate the Bristol and Newtown Railroad Company.

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 Alexander Boyd, Dr. Phineas Jenks, Chapman Buckman, David Hutchinson, Jesse S. Heston, Morris Buckman, Theodore Morris, Thomas Janney, John Yardley, Mahlon K. Taylor, Robert S. Trego, Joseph Archumbault,

David B. Taylor, Ezra Buckman, Edward Yardley, Jonathan Wynkoop, Charles N. Craven, Garret Brown, Joshua Woolston, Alexander Vanhorn, David Roberts, P. Wykoff, Michael H. Jenks, Mardon Wilson, Robert A. Hunt, Joseph Jenks, Aaron Tomlinson, George Harrison, Joshua C. Canby, John W. Stackhouse, John Booz, Isaac Eyre, Daniel T. Jenks, John Buckman, James Worth, John L. Janney, William Flower, Samuel Comfort, James Moon, Arnald Myers, James P. Moore, Joshua Barker, John Paxson, William F. Swift, James R. Scott, John Dorrance, John Philips, Joseph Downing, Charles Lombaert, John Wynkoop, Charles B. Trego, Morris Isaac Ottis, Joseph R. Jenks, Edward Edwards, Joseph T. Mathers, of the city and county of Philadelphia, be and they 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 and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Bristol and Newtown railroad company, the sum of fifty dollars, for every share of stock set opposite to 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 Bristol and Newtown railroad company.' Witness our hands, _____ in the year of our Lord one thousand eight hundred and thirty _____;" and shall thereupon give at least twenty days previous public notice, in two of the daily papers printed in the city of Philadelphia, and three in the county of Bucks, of the times when and the places where some one or more of the aforesaid 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 purposes aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books two 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 seem to them 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 five dollars on each share, for the use of the company.

To procure books.

Form of subscription.

Price of shares, \$50 each.

Notice.

Who may subscribe.

Whole number of shares, 2000.

\$5 on each share to be paid.

SECTION 2. When two thousand shares or more shall be actually subscribed, and five dollars 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 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 politic and corporate, in deed and in law, by the name, style and title of "The Bristol and Newtown Railroad company;" and by the name name, the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, plead and be impleaded, in all courts of record and elsewhere, may purchase, receive, 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 and quality soever, and the same from time to time to sell, mortgage, grant, alien or 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 and 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 arrangement and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. For the management of the affairs of the said corporation, nine 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 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 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 nine stockholders having the greatest number of votes,

Letters patent

Name, style and title.

Powers and privileges.

Seal.

Proviso.

No banking privileges granted.

How company shall be organized.

By-laws.

Proviso.

Ratio of votes.

Directors.

- 2d Proviso. shall be declared duly elected : *And provided also*, That no share or shares of stock 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 on 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 :"
Provided, That all proxies shall be dated within sixty days of the election, at which the same shall be presented.
- Proxies.
- 3d Proviso,

- SECTION 4. 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 public 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 nine directors, as provided for in the preceding sections, and that annually thereafter, shall meet on the second 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 vacancy, from death, or resignation of any director, his place shall be filled by the board of directors.
- Notice.
- Annual election.
- Proviso.
- 2d Proviso.
- Vacancy.

- SECTION 5. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; five directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tempore; the said directors shall appoint a secretary, 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 interest of the company may require, and in general, to superintend and direct
- Meetings of directors.
- Quorum.
- Secretary & treasurer and other officers to be appointed, &c.

all receipts, disbursements and other affairs and proceedings of the company.

SECTION 6. 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, and countersigned by the treasurer, and sealed with the common seal, subject, however, to all the payments due, and to grow due thereon, which stock shall be transferrable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws: *Provided*, That after any instalment shall have been directed to be paid, no share of said stock shall be transferrable until the said instalment shall be paid.

SECTION 7. 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.

SECTION 8. The said company be, and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad of one or more tracks, from a suitable point in the village of Newtown, in the county of Bucks, to a point at or near the borough of Bristol, to connect with the Trenton and Philadelphia railroad company, and to make, construct, and erect toll houses, for the convenience of the said company, in the use of the said railroad: *Provided*, That if after examination shall be made of the different routes for the said railroad, the valley of the Neshamony creek shall be deemed the most practicable, the said railroad company shall, previously to the location on said route, cause a survey and examination to be made, by a competent engineer or engineers, with a view as well for the ground to be occupied by the location of the lock navigation, and works connected therewith, as the ground to be occupied by the location of said railroad, and the same shall not be located so as to interfere with the location of the lock navigation, whenever the same may be made by the company already incorporated, by the name and style of the Neshamony Lock Navigation company.

SECTION 9. 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 railroad, doing thereto no

Compensation for stone and gravel.

unnecessary damage; and when the said route shall be determined by 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 neighbourhood, gravel and stone, for the purpose of constructing and maintaining such railroad, subject, however, to such compensation as the said company may have agreed to pay therefor, or as shall be ascertained in manner hereinafter respectively directed.

Mode of valuing the land and damages sustained.

SECTION 10. 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 compensation to be paid to the owner or owners of any sand or gravel, taken for the purpose aforesaid, or where by reason of legal incapacity or absence of any 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 or may be taken, at a day to be expressed in the warrant, not less than ten or 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 land occupied or required for such railroad 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 railroad and other works, taking into consideration the advantages as well as disadvantages of the same, to the 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 railroad 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

Sheriff's duty.

Mode of fixing the rate of compensation for materials.

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 Orphan's court for the valuation of lands of an intestate, under the intestate laws of this commonwealth.

SECTION 11. 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 favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings: *Provided*, That this act shall not be so construed as to prevent owners of land through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 12. That it shall be the duty of the said company to construct and keep in repair, good and sufficient passages across the said railroad, where any public road 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, where the said railroad shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm.

SECTION 13. On the completion of the said railroad or any portion thereof, 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 three cents each per mile; and it shall be further lawful for the president and directors of the said company to prescribe the kind of carriages, wagons and conveyances, which shall be used on the said railroad for the transportation of persons and commodities, and to adopt such regulations as to the transit

of wagons and carriages on the said railroad, as may seem to them most conducive to the interests of the public and of persons using the same; and the legislature reserves the right to reduce and regulate the tolls hereby authorized.

Dividends.

Directors liable in their individual capacities in certain cases.

SECTION 14. 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 dividend 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 of such dividend; and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

The capital may be increased.

Proviso

SECTION 15. If it shall appear to said company that the amount of capital authorized by this act is insufficient to complete the said railroad, and to accomplish the several objects of this charter, it shall be lawful for the stockholders, assembled at any annual or special meeting, to increase the said capital to the necessary amount, by increasing the number of shares, and directing an additional subscription: *Provided*, That the said capital shall in no case be increased so as to exceed one million of dollars.

Road to be completed within ten years, and kept sound & passable, or charter to become null.

SECTION 16. 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 railroad, 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 the said company to make reparations for damages.

Legislature reserves the right to purchase the road.

SECTION 17. 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 company; the legislature also reserves the right to purchase the right of the said company, and the said railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money, which, together with the tolls received,

shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-second day of March, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

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No. 54.

An Act

To incorporate the Reiglesville Delaware Bridge Company.

Whereas, The legislature of the state of New Jersey, by Preamble an act passed the nineteenth day of December, A. D. one thousand eight hundred and thirty-five, entitled "An act to incorporate the Reiglesville Delaware bridge company," have appointed and authorized five commissioners, therein named, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscription to the capital stock of said company, at such times and places, in such manner and for such purposes, as are set forth in the said act; *And whereas*, The said act provides for the incorporating of the persons holding shares into a company, with certain powers, privileges and franchises, in the said act particularly set forth, to which act the concurrence of the legislature of the commonwealth of Pennsylvania is requested, in order that the same may be carried into effect; *And whereas*, It is represented to the legislature, by the petition of a number of the inhabitants of the counties of Hunterdon and Warren, that the erection of a bridge on the Delaware river, at or near Reiglesville, would be a great convenience and accommodation to the public,

Therefore:

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 William Long, John Houpt, Solomon