

county, to be paid out of the fund provided for repairs, for the year eighteen hundred and thirty-six, to be drawn and accounted for in the usual manner.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 149.

An Act

To incorporate a company to make a railroad through the unincorporated district of Northern Liberties, in the county of Philadelphia, from the village of Richmond, on the Delaware river, to terminate at a junction with the Columbia and Philadelphia railroad, to be called "The Richmond 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 John R. Coates, Peter M'Call, Commissioners, Alexander L. Hodgedon, Richard R. Spain, Isaac W. Norris, Abraham P. Eyre, Griffith Evans, Benjamin Jones, Joel Cook, Robert Howell, David Winebrenner, Charles Robb, Isaac H. White, John Thomason, George W. Jones, John Lentz, Francis M. Bride, William Moore, Thomas M. Femington, James M. Closkey, Samuel Moore, Robert M'Clatchey, James Gregory, Robert M'Affee, Robert W. Smith, James Smith, Hugh Catherwood, John W. Ashmead, John Ligget, Alexander Robb, John Johnston, James Campbell, Anthony Campbell, Alexander M'Gauslin, Frederick W. Muller, Charles Engle, Charles Watters, George Peterman, George W. Smith, Charles Brook, Ner Middleswarth, John H. Walker, Howel Hopkins, Thomas Fletcher, Ignatius M'Donough, Benjamin Smith, S. H. Carpenter, John Rheiner,

jr., John Gest, Francis Parke, Joseph G. Park, John Park, John Hubbert, C. Dillman, Joseph Baker, T. M. Logan, John Baird, Isaac Abraham, William Fittler, William M'Ferran, Franklin Eyre, J. Wainwright, John Ristine, John C. Da Costa, John Peirce, John T. Smith, Jonathan K. Hassinger, Thomas Lewellen, Daniel S. Hassinger, Rudolph K. Hurley, Joseph Wood, Thomas Helvestine, James M. Conly, Samuel D. Harper, Joseph A. Davidson, John Foulkrod, William O. Kline, Augustus P. Fougeray, of the city and county of Philadelphia, or any 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 last Monday of June next, procure a book, which shall be opened at some convenient place in the unincorporated district of Northern Liberties, in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the treasurer of the Richmond railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined on by the board of managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Richmond railroad company;' Witness our hands, this day of , in the year of our Lord eighteen hundred and thirty-six;" and shall thereupon give notice, in two newspapers printed in the city of Philadelphia, three weeks at least, of the times and places when and where said books shall be kept open to receive subscription 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, citizens of this or any other of the United States, who shall offer to subscribe in the said book, in their own name, or in the name of any other person who shall authorize the same, for any number of shares in the said stock, upon paying respectively to such commissioner or commissioners, five dollars as an instalment, on each share of stock so to be subscribed, and the said book shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, until the whole number of shares shall have been taken: *Provided*, That no person shall be permitted to subscribe on the first of said days, more than two shares of stock, either in his own name or others, nor in like manner, on the second more than five shares, on the third more than ten shares, on the fourth more than twenty shares, and if at the expiration of said six days, the said stock shall not have been all subscribed for as aforesaid, the said commissioners may adjourn from time to time, and transfer said books elsewhere, until the whole stock be subscribed for, by any person or persons.

Form of subscription.

Five dollars payable on each share.

Proviso.

Number of shares one person may take.

SECTION 2. When five hundred shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each 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, and the sum of money paid thereon by each, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Richmond railroad company," and by the same name the subscribers shall have perpetual succession, 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 estates, 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 portions 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 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 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 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 whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad, and to the conveyance of passengers, and the storing and transportation of goods, merchandise and commodities: *Provided further*, That no locomotive or steam engine shall be used on said road: *Provided*, That the said company may charge six cents per ton per mile for transporting goods and merchandise on said road, and three cents for each passenger.

SECTION 3. Every person offering to subscribe in the said book, in his own name, or in that of any other, shall previously pay to the attending commissioners the sum of five dollars for every share so to be subscribed, and also, where he subscribes in the name of another, deposit with the attending commissioners his power to do so, which said commissioners shall, out of said five dollars each, to defray the expenses attending the taking such subscriptions, and

When letters patent may issue.

Privileges & liabilities.

By-laws, &c.

Proviso.

2d Proviso.

Five dollars to be paid on each share, out of which expenses to be paid.

Balance to be paid treasurer. other incidental charges, and pay the remainder over to the treasury of the said company, as soon as the same shall be organized and the officers chosen, as herein mentioned:

Proviso. *Provided*, That in case of the death or refusal of any or
 Vacancies. all of the said commissioners to perform the duties by this act required of them, the court of Common Pleas of Philadelphia county may, on application to them made for that purpose, appoint other commissioners to supply such vacancy or vacancies: *Provided*, A majority survive, and are willing to act, they may execute the duties enjoined on them in like manner as if the whole had acted.

Certain sections in the act to incorporate the Philad'a. and Reading railroad co. made a part of this act. SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, eighteen hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made a part of this act, as fully and effectually as if the same had been enacted section by section: *Provided*, That the mode of ascertaining damages provided for in the aforesaid twelfth section, shall be made in the county where they occur: *And provided also*, That the president and managers of the first aforesaid company, shall annually, on the first Monday in December in each year, transmit to the Auditor General full statement, under oath, of their affairs, and shall pay annually into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.

Proviso. enacted section by section: *Provided*, That the mode of ascertaining damages provided for in the aforesaid twelfth section, shall be made in the county where they occur: *And provided also*, That the president and managers of the first aforesaid company, shall annually, on the first Monday in December in each year, transmit to the Auditor General full statement, under oath, of their affairs, and shall pay annually into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.

Right of entering upon contiguous land. SECTION 5. The president and managers, and their agents, and all persons employed by or under them for the purposes contemplated by this act, may enter upon any land which they may deem necessary for laying out said road, and for searching for stone, sand, gravel, or wood, for constructing said said road, and shall have power to lay down, ascertain, mark and fix such route as they shall deem expedient for said road, beginning at or about the intersection of Ann street and Bank street, at the northwest side of the said Bank street, in the village of Richmond, on Delaware river, in the unincorporated district of Northern Liberties, thence extending along and upon the said Ann street, or near the same, as the said president and managers shall deem expedient, to and across the road of the Philadelphia and Trenton railroad company, with full power and authority of the said president and managers to extend their said [road] from thence to and across the railroad of the Philadelphia, Germantown, and Norristown railroad company, and thence to the Pennsylvania road, leading from Philadelphia to Columbia, at such points as they may deem expedient, if at any time hereafter

Route of railroad.

they should think it advisable so to do, having at all times due regard to the nature or situation of the ground, and of the buildings thereon, the public convenience, and interest of the stockholders, so as to do the least damage to private property; and the said president and managers shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said railroad to be made, and cause a map or plot of such survey to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said railroad; and all expenses incurred thereby shall be defrayed by the said company.

Draft of location to be filed in the Secretary's office.

SECTION 6. The capital stock of the said company shall consist of not more than two thousand shares, at fifty dollars per share, but if an increase of capital stock be deemed necessary by the stockholders to extend or complete their said road, it may be lawful for the said stockholders, convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed two hundred thousand dollars, and to authorize the said company to take subscriptions for shares accordingly, and to receive and demand the money in like manner, and under like penalties as are hereinbefore provided for the original subscription, or shall be provided for by their by-laws.

Capital stock may be increased.

SECTION 7. The legislature reserves the right to reduce and regulate the tolls authorized by this act, and reserves the right to purchase said road, with its appurtenances, at any time after twenty 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.

Right to regulate the tolls and to purchase road reserved.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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

JOS. RITNER.