

provisions and restrictions contained in the third, fourth, fifth and sixth sections of this act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

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

JOS. RITNER.



No. 161.

An Act

Authorizing the Governor to incorporate the New Castle 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 Francis M. Bride, Samuel A. Purviance, John Bredin, George W. Reed, George Potts, William Steward, William Beatty, Joseph Emory, Joseph T. Boyd, Andrew Lewis, John Mitcheltree, James Banks, John Fisher, Robert W. Stewart, Amos Waugh, Thomas J. Porter, Jefferson Duncan, James R. Wick, Alexander Waugh, Armstrong Irwine, John B. Pearson, John Gallaway, William Watson, Samuel Wylie, and William Shaw, ^{Commissioners} be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five 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 New Castle 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 New Castle ^{Form of subscription!}

being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided, Proviso.* 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 the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. That 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 part of this act the same as though they had been enacted section by section: *Provided:* That the mode of ascertaining damages, provided for in the twelfth section, shall be made in the county where they occur. *Proviso.*

SECTION 4. 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 the termination at the Ohio state line, of the railroad to be constructed by the "Conneaut and Beaver Railroad company," incorporated by the legislature of Ohio, at such suitable point as may be determined upon by the president and directors of the said "Newcastle Railroad company," and the president and directors of the said Conneaut and Beaver railroad company, by the shortest and most practicable route, to a point at or near the town of Newcastle, in Mercer county, and the said railroad may be intersected by any railroad constructed, or to be constructed, by a company incorporated or to be incorporated, by the legislature of this state, at any point, and use the said road upon the same terms as to tolls, that the same is used by the Newcastle company, and the said Newcastle company shall have power to make, construct and erect such toll houses, and all other works and appendages necessary for the convenience of the said Newcastle railroad company, in the use of the said railroad. *Said road may be intersected by any railroad.*

SECTION. 5. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, or to lay another track, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that they shall not in the whole exceed six thousand, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties as are hereinbefore *Capital stock may be increased.*

provided for the original subscription, or shall be provided for by their by-laws.

Rights may be resumed and tolls regulated by the legislature.

SECTION 6. If at any time said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; and the legislature reserves the right to reduce and regulate the tolls hereby authorized;

Annual statement to Auditor General.

that the president or secretary of the said company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of said company, under oath, and 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.

Right to purchase reserved.

SECTION 7. This state shall have the power, after the expiration of twenty years from the passage of this act, to purchase and hold the railroad aforesaid, by paying to said corporation therefor, the amount expended by said corporation in locating and constructing the same, together with six per centum interest thereon, after deducting all the nett tolls and profits of the property of said corporation, of which cost an accurate account shall be kept, and verified by the oath or affirmation of the president of said company, be transmitted to the Auditor General, within six months after the said road shall be opened for the transportation; and an annual account of the tolls and profits, and the expenses of said company, shall be kept and made to the Auditor General in the same manner.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.