

No. 177.

An Act

Authorizing the Governor to incorporate the Philadelphia and Taylorsville railroad company, the Hestonville and Schuylkill railroad company, to amend the charter of the Philadelphia and Reading railroad company, and the Little Schuylkill navigation, railroad and coal 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 Joseph P. Norris, jr., Joseph
Commiss'rs. *Watson, Richard Morris, Joseph R. Jenks, David Dorrance, William Yardley, Joseph T. Mather, Elijah Vansickle, Samuel Kimber, Mordecai Lewis, Tobias Huber, Augustus Stephenson, Elijah Dallett, John H. Palethorp, Franklin Comly, John W. Trump, Dr. Edward Swift, Thomas Reading, Franklin Vansant, Jacob Shearer, Samuel Castor, Edward Edwards, Robert A. Parrish, John Calin, William Carr, Joseph Smith, Thomas Coates, Robert V. Massey, Ralph Eddowes, Israel Walton, John P. Townsend, Charles Walmsley, Jacob Snyder, John Fox, Benjamin Bonner, John Foulkrod, William Overington, Nathan Livezey, sen., Thomas L. Hart, Jacob Shallcross, Amos Snyder, James Vance, John Meany, Thomas H. Craig, Isaac Whitelock, Stephen Phipps, Ephraim Ryno, John B. Winder, Joshua Seckle, James Buckman, John Wistar, jr., John C. Channon, Robert Buckman, Mahton Durtgan, Michael Day, William Boyde, Joseph Paxson, George Londell, John E. Keen, Peter Browne, Franklin Eyre, George Day, Peter Deal, How Keith, John Ristine, James Williamson, Daniel Fitler, George Steinmetz, Thomas Wallace, William Lenker, Henry Remmey, jr., Andrew Donaldson, Charles Massey, Jonathan Wainwright, John White, John Byerly, Adam Richards, James Keen, Hugh Clark, John Baird, Ignatius McDonough, Richard Peltz, Joseph Aikens, Benjamin T. Systy, Charles Oakford, Alexander Burden, Benjamin T. Bioren, John Craven, Joseph B. Haines, William G. Alexander, of the city and county of Philadelphia, Mahlon R. Taylor, Edward Yardley, Phineas Jenks, David Roberts, Thomas Buckman, Bernard Taylor, James Worth, Anthony Taylor, Samuel Swift, David B. Taylor, Thomas L. Allen, Jolly Longshaw, Courtland Yardley, John Paxson, Isaac Livezey, William Gillam, John Praul, Augustin Mitchell, Joseph Jenks, Joshua Knight, Joseph Johnson, Joshua Woolston, Michael H. Jenks, John A. Mitchell, Daniel T. Jenks, Samuel B. Beatty, Joshua C. Canby,*

Jonathan Stackhouse, Aaron Tomlinson, Joshua Richardson, Benjamin Mather, Robert Crossdell, Dr. David Hutchinson, Chapman Buckman, Morris Buckman, George Yardley, John Goslin, Robert D. Carey, Arnold Myers, George Harrison, Aaron Feaster, Jonathan Wynkoop, Adrian Connell, Joseph Archambault, Joseph Briggs, Simpson Torbert, Samuel Buckman, jr., Robert S. Trego, John Yarkley, Edward Nicholson, Samuel Hentzelinan, Samuel Shoch, Lewis S. Coryell, Stacy Brown, James Johnson, Thomas Betts, Huston Thompson, John Davis, Jesse Johnson, Joseph Morrison, David Webster, John Finney, John H. Bispham, John W. Stackhouse, Enos Reder, James Flowers, Mardon Wilson, Clayton Richardson, John Leferts, Garret Brown, William B. Vandegrift, Dr. R. A. Hunt, Daniel T. Jenks, Simon Cameron, Francis Park, Joseph S. Park, John Park, Peter Williamson, John Johnson, M. N. Everly, James Campbell, A. Alexander Robb, W. V. Griffith, James Hanna, Daniel Green, Joseph Huddell, jr., Anthony Campbell, Robert Coburn, John Krause, Joseph Wetherill, Joel Evans, Alexander M'Caustland, W. B. Ardis, Thomas M. Femiington, Francis M'Bride, George L. Ashmead, Reese W. Flower, William H. Hartnell, Robert M'Clatchy, Barnard M'Gee, Charles Ayres, James A. Campbell, Robert W. Smith, James M. Closky, John W. Ashmead, Joseph Rickard, Edward D. Corfield, Samuel M'Fate, George Crist, George Erey, William A. Ennis, Thomas Forsyth, Charles A. Roberts, George S. Roberts, Samuel Halzell, John R. Scott, Daniel Clark, Michael Address, James Swaim, Samuel Hart, William Fry, Jesse Y. Castor, W. L. Norton, Joseph Haugh, John Ligget, S. H. Carpenter, John Rheiner, jr., Samuel Black, Adam Woelpper, Lawrence Shuster, George Rockenburg, John D. Ninestell, Benjamin Yeager, Nicholas Saring, Peter Shuster, Joseph J. Esling, James Comly, &c, 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 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 Philadelphia and Taylorsville railroad company, the sum of one hundred 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 Philadelphia and Taylorsville railroad company;' Witness our hands, the day of _____, in the year of our Lord, one thousand eight hundred and thirty-____;" and shall thereupon give at least twenty days previous public notice, in

Commissioners

Form of subscription.

- Notice.** two of the daily papers printed in the city of Philadelphia, and two in the county of Bucks, of the times when and 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 purpose 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 six thousand shares: *Provided*, That no individual be permitted to subscribe in his own name, or by proxy, for more than fifty shares of stock on any of said days except the last that the books of the company be opened for subscription, 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: *Provided*, That before the said commissioners proceed to perform the duties herein before prescribed, they shall take and subscribe an oath or affirmation respectively, and file the same with the prothonotary of the court of Common Pleas of the county of Philadelphia, they will not directly nor indirectly, subscribe for more than fifty shares of the stock in the said road, either for their own use, or for the use of any other person or persons, nor permit any person or persons in their name, or for their use, to subscribe for more than fifty shares of the said stock; and if the said commissioners, or any of them, shall subscribe, or permit others to subscribe, for any stock of the said company, contrary to the provisions of this section, and shall be thereof duly convicted, he or they shall be liable to all the penalties of perjury.
- Who may subscribe.**
- Proviso.**
- 2d Proviso.** Commiss'rs. not to subscribe for more than 50 shares.
- When letters patent may issue.**
- Style & title.**
- SECTION 2.** When three thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the 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 politic and corporate in deed and in law, by the name, style and title of "The Philadelphia and Taylorsville railroad 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, plead and be impleaded, in all the courts of record or elsewhere, may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind or 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 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, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she may hold, in the proportions following: For each share not exceeding ten shares, one vote; and for every five shares above ten and not exceeding thirty, two votes; and for every five shares above thirty and not exceeding fifty, one vote; but no share above fifty, as aforesaid, shall confer any additional right of voting; and also, that in all cases of elections for directors, the nine stockholders having the greatest number of votes 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 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:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

3d Proviso.

Organization
of company.

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, they 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.

Time of annual election.

Proviso.

2d Proviso.

Powers of
directors.

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 tem; 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 so failing to pay any instalment so required, or bring suit for the recovery thereof; 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 require, and in general, to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company: *Provided*, That if the said directors shall refuse to call in any instalments remaining unpaid on said capital stock, for one year after the funds paid in are exhausted, for the purpose of enabling them to satisfy debts due by the company, the said directors shall be personally responsible therefor.

Proviso.

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, 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 and 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 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 any three 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 construct a railroad, of one or more tracks, from a point in the district of Kensington or Northern Liberties in the county of Philadelphia, taking the nearest and most practicable route through the counties of Philadelphia and Bucks to the Delaware river, at Taylorsville, and to make, construct, and erect such depots, toll houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company in the use of the said railroad: *Provided*, That the said company shall not be allowed to locate said railroad on any turnpike road or public street now constructed or laid out, to a greater extent than may be necessary in crossing the same, or to enable the said railroad to be carried to the river Delaware, at Taylorsville.

SECTION 9. It shall be lawful for the said president, directors and company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for lying out said road, and also, for the purpose of searching for stone, gravel, wood, or other materials for constructing said road, but no stone, sand, gravel or wood, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in

the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

SECTION 10. Whenever it shall be necessary for the said president, directors and company, to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers, shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county to view, examine, and survey the said lands, tenements, or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report, being confirmed by the said court, judgment shall be entered thereon, and the viewers shall be entitled to the like fees for their services, as are allowed by law to viewers of public roads and highways, to be paid by the said company, and it shall be the duty of the said appraisers in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said railroad: *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 by the provisions of the arbitration act of the year eighteen hundred and ten, and upon the coming in of such report, and the confirmation thereof, or upon final judgment or appeal therefrom, and the said company shall pay to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, and they, and all who act under them, shall be acquitted and freed from all

Arrangem't
for assessm't.
of damages.

Appointment
of viewers.

Expenses to
be paid by
the company.

When parties
cannot agree
court shall
appoint.

Proviso.

responsibility for, and on account of such injury: *Provided*, 2d Proviso. Upon payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owners of said land, the said president and managers of said company, their agents or contractors for making and repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as herein-before prescribed.

SECTION 11. The said railroad shall be so constructed by Company to the said company, as not to obstruct or impede the free use erect public-
d passage of any public road or roads which may cross or causeways.
enter at the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway, or causeways, to enable all persons passing or traveling such public road, to cross and pass over or under the said railway, which causeway, or causeways, shall be made and maintained by the said company, and if the said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, Penalty for they shall be liable to a penalty of ten dollars for every neglect.
day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, or the officers of any incorporated company, with costs, for the use of the township or company, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any persons who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and available in law, as if served upon the president thereof: *Provided*, That no obstruc- Proviso.
tion whatever, shall be placed on or across any stream now declared a public highway, so as to impede or interfere with the full and free navigation thereof, or to change the direction of any stream or water course, not declared a public highway, so as to effect the rights and interests of the owners thereof, without the consent of the said owners, unless the right to the same be obtained by such process as is before-directed in relation to other property.

SECTION 12. For the accommodation of all persons owning Erection or possessing land through which the said railroad may or of private shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands, to cross or pass over or under the same, with wagons, carts, and implements of husbandry, as the occasion may require: *Provided*, That the said company shall in no Proviso.

Penalty for neglect.

case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the commodation of any one person owning or possessing land through which the said railroad may or shall pass; the said causeway or causeways, when so made, shall be maintained and kept in repair by said company, and if said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, when duly notified thereof, the company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered, before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof: *Provided*, That nothing in this act shall be so construed, as to prevent owners of land through whose property the said railroad passes, from constructing a causeway or crossing places over said railroad, but the same to be such as are usually made by the said company.

Proviso.

When company may receive toll.

SECTION 13. On the completion of the said railroad, or any portion thereof, not less than twenty miles, 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 toll, 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 four 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 road for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the said road, as may seem to them most conducive to the interests of the public, and of persons using the same, and the legislature reserve the right to reduce and regulate the tolls hereby authorized.

Proviso.

President & directors to prescribe the kind of conveyances to be used.

Power to purchase machines, &c.

SECTION 14. The said president and directors, shall have full power to purchase with the funds of the said company, and place on the said railroad, all machines, wagons, vehicles, carriages, and teams of any kind whatsoever, which they may deem necessary and proper, for the purposes of transportation, and that they may also, to any extent which they may deem advisable, transport all goods, wares, minerals, and merchandize, or other articles which may be offered them for transportation, and all passengers wishing to be conveyed on their railroad, and the said president and

Directors may charge for toll and freight on all articles, and Toll for all passengers so conveyed by them, their officers or agents, not exceeding twice the rates granted in the preceding section of this act for tolls alone: *Provided*, That if the *Proviso*. said machines, wagons, vehicles, carriages and teams, shall be so used on the said railroad as to prevent, or render unsafe, the traveling upon any canal or public road now constructed or laid out, on or near to the line of the said railroad, the legislature may order and direct such rules and regulations for the said machines, wagons, vehicles, carriages and teams, as will secure such traveling safe and uninterrupted.

SECTION 15. Dividends of so much of the profits of the *Dividends to* institution as shall appear advisable to the managers, shall be declared be declared at least twice a year in every year, and paid *semi annual-* to the stockholders, on demand, at any time after the expi-ly. ration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by the *Capital stock* company, so that the capital stock shall never be thereby not to be im- impaired; if the said managers shall make any dividend *paired*. which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders, at the declaring of such dividend; *Provided*, no dividend shall exceed *Proviso*. twelve per cent. per annum: *And provided further*, That *2d Proviso*. whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all dividends declared by said company, into the treasury of this state, for the use of the commonwealth.

SECTION 16. That if it shall appear to the said company, *Capital stock* that the amount of capital authorized by this act is insuf- may be in- ficient to complete said railroad, and to accomplish the *increased*. 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 *Proviso*. be increased so as to exceed one million five hundred thousand dollars.

SECTION 17. If the said company shall not carry into *To complete* effect the objects of their charter within the term of five in 5 years & years from the passing of this act, or if after the completion *keep in repair* 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 reparation for damages.

Lateral rail-road. SECTION 18 The said company shall not prevent any person or persons, being the owner or owners of land bordering on said railroad, or adjacent thereto, from making such lateral roads, and to connect them with said railroad, from their said lands, as the said person or persons may conceive necessary, but so as not to interfere with or impede the use thereof.

Right to revoke charter reserved. SECTION 19. 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: *Provided*, That the state may, at any time after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the said corporation, 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.

May make alterations in route of location. SECTION 20. The president and managers of the said company be, and the same are hereby authorized, at their own proper cost and expense, to make such alterations as may appear to them to be expedient, in the route and location of any state, county, or township road, along which, or in the immediate vicinity whereof, their railroad, or any part thereof, does or shall pass, and to lay out and open, to such width as shall be necessary, so much of any of the said roads as shall be relocated, and such new route of any of the said roads as shall be considered as a public highway, to be supported and kept in repair as other highways in this commonwealth are supported and kept in repair, and so much of the route as may be thereby altered, shall be thereby vacated: *Provided*, That the said company shall, within six months after the making of such alterations, report a draft of the same to the court of Quarter Sessions of the county wherein the said road is located: *And provided further*, That any person who may consider himself injured by such alterations, may recover damages for the same against the said companies, in the same manner as other damages occasioned by the said railroads respectively, are now assessed and compensated.

Hestonville & Schuylkill Haven rail-road comp'y. SECTION 21. John Bouvier, George A. Graham, James Todd, Robert E. Peterson, Ignatius M'Donough, James B. Hutchison, Daniel J. Carter, John Hennes, John Evans, Bela Badger, Wm. A. Martin, J. B. Mitchell, J. B. Sutherland, John R. Walker, James M'Cormack, Wm. E. Lehman, R. W. Pomeroy and William Noble of Lancaster county, and Joseph Lyon of Schuylkill, and such persons as they shall associate with them, be, and they are hereby declared to be, one body corporate in law, by the name of the Hestonville and Schuylkill railroad company, to whom letters patent shall be granted by the Governor, as soon as they shall have:

When letters patent may issue.

agreed to make the road hereinafter mentioned, and the same shall be certified to the Governor.

SECTION 22. The said Hestonville and Schuylkill rail-Location of road company, shall have power to make a railroad, with road. a double track, from the West Philadelphia railroad, at a point at or near Hestonville, in the county of Philadelphia, to a point at or near the foot of the inclined plane near Peters' Island, on the river Schuylkill, in said county, similar to the West Philadelphia railroad.

SECTION 23. There shall be as many shares of stock in Number of said company, as there shall be incorporators at the time of shares. granting letters patent, as aforesaid.

SECTION 24. The corporate powers of the Hestonville and Corporate Schuylkill railroad company, shall be the same as those of powers. the West Philadelphia railroad company.

SECTION 25. The Hestonville and Schuylkill railroad Privileges & company, shall be and continue, as far as may be, liable to liabilities the same duties, and have the same authority in the making same as those of said railroad, and in the management of their affairs, in the of West Phil- election of their officers, in suing and being sued, in making ad'a railroad contracts and agreements, in charging and collecting tolls, company. and there shall be the same limitations of actions for damages, as there is provided in the act entitled "An act to incorporate the West Philadelphia railroad company."

SECTION 26. If the said Hestonville and Schuylkill rail- Time of com- road company, shall not proceed to carry on the said work mencement for two years from the passage of this act, and not complete and comple- the same in four years thereafter, according to the true tion. intent and meaning of this act, or if after the completion of the said railroad, the said corporation shall suffer the same Company to then this charter shall become null and void, except so far keep road in as compels the said company to make reparation for damages, repair. and to enforce contracts and duties which it may owe, or which may be due to it.

SECTION 27. No dividend shall exceed twelve per cent. Dividends. per annum, and whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all dividends declared by said company, into the treasury of this state, for the use of the commonwealth.

SECTION 28. The president, managers and stockholders of Right to pur- the said last mentioned railroad company, shall sell and chase re- convey to the commonwealth, at any time that the legislature served. may think proper to require the same, all their right, title and interest in the said road, upon the commonwealth paying to the said company the amount of money expended by them in constructing and repairing said road, together with interest at six per cent. per annum, from the time the money was expended, after deducting the amount of the dividends of the nett proceeds of said company.

Philadelphia and Reading railroad co. and Little Schuylkill railroad and coal comp'y. SECTION 29. That it shall be lawful for the Philadelphia and Reading railroad company, and the Little Schuylkill Navigation railroad and Coal company, to continue their respective railroads, in and through the borough of Reading, along the line of any street east of Callowhill street, and to occupy the line of such street, so as to effect a junction of their said railroads, at such point within the borough as they may deem most expedient; and that it shall be lawful for them, at their own proper cost and expense, to make such alterations as may appear to them to be expedient, in the route and location of any state, county, or township road, along which, or the immediate vicinity whereof, their railroad, or any part thereof, does or shall pass, and to lay out and open, to such width as shall be necessary, so much of any of the said roads as shall be relocated, and such new route of any of the said roads, shall be considered as a public highway, to be supported and kept in repair as other highways in this commonwealth are supported and kept in repair, and so much of the route as may be altered, shall be thereby vacated: *Provided*, That the said company shall, within six months after the making of such alterations, report a draft and description of the same to the court of Quarter Sessions of the county wherein the said road is located: *And provided further*, That any person who may consider himself injured by such alterations, may recover damages for the same against the said corporation, in the same manner as other damages occasioned by the said railroads, respectively, are now assessed and compensated: *And provided further*,

Power to alter the location of roads in the vicinity of railroad.

Proviso.

1st Proviso.

2d Proviso.

4th Proviso.

Borough of Erie—when owners refuse, burgess and council to pave opposite lots at the expense of the owners thereof.

SECTION 30. That whenever the burgess and town council of the borough of Erie, in pursuance of the power vested in them by the act incorporating said borough, shall require the owner or owners of lots on any street, part of the street, or the public square thereof, to pave the side walk in front of their respective lots, and such requisition shall not be complied with in a reasonable time thereafter, to be fixed by the said burgess and council, it shall be lawful for said burgess and council, to cause such pavement to be constructed, and the several lots in front of which the same shall be so constructed, shall be subject to a lien for the payment of the expense thereof.

SECTION 31. In all cases of liens created in pursuance of this act, it shall be lawful for the burgess and council, to enforce the collection of the amount thereof, by scire facias, in the same manner and under the same regulations and restrictions as in cases of liens under the act of the seventeenth of March, eighteen hundred and six, securing to mechanics and others, payment for their labor and materials, and the supplements thereto; and when the owner or owners of any such lot cannot be found in the county, a copy of the scire facias shall be set up in the prothonotary's office, in said borough, and also upon a post, or some fixture on the lot against which the claim is filed.

SECTION 32. All requisitions for the pavement of the side walks, shall be made by ordinance of the burgess and council, and published in the same manner as other ordinances of said borough.

SECTION 33. Nothing herein contained, shall be construed to prevent the said burgess and council from adopting such other measures to compel the pavement of the side walks, as are or may be authorized by the act of incorporation, and ordinances made in pursuance thereof.

SECTION 34. That so much of the act incorporating said borough, as prohibits the erection of any building on the north side of Water street, be and the same are hereby repealed.

SECTION 35. The burgess and town council of said borough, shall have power, by ordinance, to alter the width, and change the location of Water street, in said borough, by moving the same so far northwardly from its present location, as the public good shall require; and the location thus fixed, shall thereafter remain firm and stable, and be subject to the same laws, ordinances and regulations as other streets of the borough.

SECTION 36. That the commissioners of the county of Franklin, are hereby authorized and empowered, in their own names, and for the use and benefit of the county aforesaid, to contract and purchase from Levin Murphy, at such price as may be agreed on between the parties, and take assurances, of and for a certain lot of ground, situate on the north side of King street, in the borough of Chambersburg, and immediately adjoining the western wall of the yard of the jail of the said county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER,