

No. 89.

An Act

To incorporate the Harrisburg and Sunbury 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 Simon Gratz, Jacob Ridgway, Matthew C. Ralston, George Handy, William H. Keating, John Moss, Jacob Culp, Britton Cooper, William H. Orr, John B. Trevor, Robert A. Parrish, James M. Macauley and James Campbell of Philadelphia, Henry Buehler, Henry Walters, Jacob M. Haldeman, John C. M'Allister, Benjamin Stees, Henry Shaeffer, Samuel Faunce, George Nagle, Benjamin Commission-Park, William Ayres, Richard Benjamin, John Shammo, ers. D. A. Muench, J. Seal, Benjamin Musser, D. N. Hetzell, John Paul, Jr. Benjamin Miller, Simon Cameron, Lenhard Alleman and Thomas Finney of the county of Dauphin, Henry Haldeman of Lancaster county, Doctor George Lineweaver of Lebanon, Alexander Jordan, C. G. Donnel, E. Greenough, Hugh Bellas, Edward Gobin, John C. Boyd, Doctor Backhouse, Peter Lazarus, George Brosious and James Hepburn of the county of Northumberland, Christian M. Straub, Henry W. Snyder, Dr. John Baskin, John Snyder, Jacob Hummel, John Cummins, Jr. and John C. Herald of Union county, or any ten of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall procure a To procure sufficient number of suitable books, in each of which they books. shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of Shares \$50 the Harrisburg and Sunbury Railroad company, the sum of each. fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such Form of sub- times as shall be determined by the president and man- scription. agers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Harrisburg and Sunbury Railroad company:' Witness our hands, this day of , in the year of our Lord one thousand eight hundred and thirty- ;" and shall thereupon give notice, in two newspaper printed in each of the counties of Dauphin and Northumberland, and in two daily papers in the city of Philadelphia, three weeks at Notice.

least, of the times and places when and where the said books shall be kept open to receive subscriptions 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 who shall offer to subscribe in the said books, 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, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed ten thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of ten thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed; 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.

Who may
subscribe.

10,000 shares
whole No.

\$5 to be paid
at the time of
subscribing.

Subscriptions
to be appor-
tioned.

SECTION 2. If more stock shall be subscribed in the time specified in the first section, to the capital stock of the said company than may be considered sufficient to make the said road, the said commissioners, or a majority of them, shall reduce the subscription to such number of shares as may be deemed sufficient to make the said road, by striking off from the largest number of shares, in succession, until the subscription shall be reduced to said number of shares, or each of the subscriptions to one share.

SECTION 3 When four thousand shares or more of the said stock shall be subscribed, and five dollars on each share paid to the commissioners, the said commissioners, or a majority of them, may certify the same under oath or affirmation, to the Governor, 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 "Harrisburg and Sunbury Railroad company," and by the same name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, implead and be impleaded, in all

Letters pat-
ent.

Style & title.

Privileges &
liabilities.

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 estate, 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 Seal. pleasure, and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear By-Laws. necessary and convenient for the government of the 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 Proviso. be considered as in any way giving to the said corporation any banking, manufacturing or trading 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 such cars, locomotives, fixtures and devices proper and convenient for facilitating traveling or transportation on the said railroad.

SECTION 4. The said named persons, or a majority of them, shall, as soon as conveniently may be after the said letters Organization patent shall be obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or proxy, which proxy shall have been obtained and bear date within three months previously to the election at which proxy shall be presented, duly authorized, one president and ten managers, a majority of whom shall be residents of this commonwealth, a treasurer and secretaries, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company; *Provided*, That Proviso. no person but a stockholder shall be eligible to the office of president or manager.

SECTION 5. The stockholders shall meet on the first Mon-

Annual elec- day of January in every year, at such place as may be fixed
tion. upon by the by-laws, of which notice shall be given at least
twenty days, by the secretary, in the newspapers before
mentioned, and choose, by a majority of votes present, their
officers for the ensuing year, as mentioned in the fourth
section of this act, who shall continue in office for one year,
and until others are chosen, and at such other times as they
may be summoned by the managers, in such manner and
form as shall be prescribed by the by-laws, at which annual
or special meeting, they shall have full power and authority
to make, alter or repeal, by a majority of votes, in manner
aforesaid, all such by-laws, rules, orders and regulations as
aforesaid, and to do and to perform every other corporate
act, and the number of votes to which each stockholder
shall be entitled, shall be according to the number of shares
he or she shall hold, in the proportions following, that is to
say: for each share not exceeding two shares, one vote, for
every two shares above two and not exceeding ten shares,
one vote, for every four shares above ten and not exceeding
thirty, one vote, for every ten shares above thirty and not
exceeding one hundred, one vote, but no share or number
of shares above one hundred, shall confer any additional
right of voting, and no share shall confer a right of suffrage,
which shall not have been holden three calendar months
prior to the election, nor unless it be 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 copart-
nership, corporation or society, of which he or she may be a
member, and not in trust for and to the use and benefit of
any other person: *Provided*, That no shares held by trans-
fer shall be entitled to vote, unless the same shall have been
transferred at least three months before the election, and
all votes by proxy shall be on such terms and conditions as
are prescribed by the act passed on the twenty-eighth day of
March, in the year one thousand eight hundred and twenty,
entitled "An act to regulate proxies."

Ratio of votes.

Proviso.

Proxies.

Manner of conducting election.

SECTION 6. The election of officers provided for in the
fifth section of the act, shall be conducted in the following
manner, that is to say: the managers for the time being,
shall appoint two of the stockholders not being managers, to
be judges of the said election, and to conduct the same,
after having severally taken and subscribed an oath or affir-
mation, before an alderman or justice of the peace, well and
truly, and according to law to conduct such election; and the
said judges shall decide on the qualifications of the voters,

and when the election is closed, shall count the votes, and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death or resignation, or removal from the state of any president, manager, treasurer or other officer, his place shall be filled by the board of managers until the next annual election.

Neglect to elect not to dissolve.

SECTION 7. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, six shall be a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportion in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this act, and by the by-laws and regulations of the company they are authorized to do.

Meetings.

Quorum.

Minutes.

Power to appoint officers, etc.

SECTION 8. The president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney, (duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for the purpose,) subject however, to all payments due, or become due thereon; and the assignee holding any certificate, having first caused

Certificates of stock.

Transferable.

the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, and of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balances and penalty due, or to become due on each share, as the original subscriber would have been.

Penalty for neglect to pay instalments.

Forfeiture.

Proviso.

SECTION 9. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty, shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Treasurer & other officers to give bond

SECTION 10. The president and managers of the said company shall demand and require of and from the treasurer, and all and every other the officers and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations, require, for the faithful discharge of the several duties and trusts to them, or any of them, respectively committed.

Dividends.

SECTION 11. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the

stockholders 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; if the said directors shall make any dividend 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 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 to the stockholders at the declaring of such dividend.

Liability.

SECTION 12. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being, and 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.

Abstract of accounts to be furnished to the legislature.

SECTION 13. The president and managers of said Railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at or near the termination of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad, in the borough of Harrisburg, through Dauphin, Halifax, Millersburg, Georgetown, to Sunbury, at or near the termination of the Sunbury branch of the Danville and Pottsville Railroad, in said borough, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property: *Provided*, That said railroad shall be so located, and the route thereof so laid down and fixed, by and with the consent and approbation of the Canal Commissioners, as not to interfere with the location and construction of the navigable feeder to be constructed for the Pennsylvania canal, from Clark's ferry, up the east side of the Susquehanna river, to the mouth of Wisconisco creek, and the said railroad shall not pass through any burying ground, nor place of public worship, nor dwelling house,

Power to locate the road.

Proviso.

Map of survey.

without the consent of the owner thereof; the said president, managers and company, shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey, they shall cause to be filed in the Canal Commissioners' office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby, shall be defrayed by said company.

Right to enter upon lands for materials.

SECTION 14. It shall be lawful for the president, managers and company of the said railroad company, and their agents, contractors, and all other persons employed by or under them, for the purposes contemplated in this act, to enter upon any land which they shall deem necessary for laying out and constructing said road, and also, for the purpose of searching for stone, sand or gravel, or wood, or other material for constructing said road, but no stone, sand, gravel or wood, or other material, shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties can agree thereon, and if not, the same shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands, on which the said road may be laid.

Powers.

SECTION 15. It shall and may be lawful for the company hereby incorporated, to make, erect, or establish, a single or double track railroad, on the route laid out as aforesaid, and they are also hereby empowered to make and establish all works, edifices and devices to such railroad, as may by the said company be deemed expedient for the purpose of carrying into effect the object of their incorporation, and also, to contract and agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

Mode of ascertaining damages, &c

SECTION 16. Whenever it shall be necessary for the president and managers of the said railroad 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 upon the compensation to be made for any injury, or supposed injury, that may be done to such land by such entry and occupation, in such case, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damage, 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 either party shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, 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 persons of said county to view, examine and survey the said lands, tenements, or hereditaments, and estimate the injury or damage, if any, 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, of the same force and effect as judgments upon common debts, and the said 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 said company, and it shall be the duty of the 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 ^{Proviso.} 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 in other cases, and upon the coming in of such report or inquiry, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, for the injury sustained as aforesaid, they, and all who acted under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That if the said company shall pay, or tender the full amount of damages, as awarded by said appraisers, they shall have the right to enter upon and occupy, and use said lands, for the purposes aforesaid, being subject to the payment of any additional damages which may be afterwards adjudged against them.

SECTION 17. The said railroad shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads, which may cross or enter the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or

Not to obstruct public roads.

Public cause-
ways. ter, it shall be the duty of the said company to make, or cause to be made, a sufficient causeway or causeways, to enable all persons passing or traveling such public road, canal or slack water, to cross and pass over the said railroad, which causeway or causeways, shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisor or supervisors of the proper township, at the expense of 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, they shall be liable to pay a penalty of five dollars for every day the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby, 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.

Penalty.

Private
causeways. SECTION 18. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such persons in crossing and passing over 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 the same, with wagons, carts, and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the railroad may or shall pass; and the said causeway, when so made, shall be maintained and kept in repair 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, the said 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:

Proviso. *Provided*, That this act shall not be so construed as to pre-

Proviso.

vent the owners of land through whose property the said railroad passes, from constructing a bridge or causeway, or crossing place, over or under the said railroad, in conformity with such as are usually made by said company.

SECTION 19. 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 twelve months next after the offence shall have been committed, or the cause of action shall have accrued, and 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 or actions.

SECTION 20. On the completion of the said railroad, or any portion of one track, not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers; 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: Tolls.
Provided, That the toll on any species of property shall not exceed four cents per ton per mile, except upon mineral coal, the toll upon which shall not exceed the sum of one and one half cents per ton per mile, and upon passengers more than three cents each per mile; and it shall be further lawful for the president and managers of the 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 road, as may seem to them most conducive to the interests of the public, and of the persons using the same: Proviso.
Provided ^{2d} *Proviso*. That nothing contained in this act shall extend to authorize the said company to construct a railroad, in such manner as to injure stock, or interrupt the navigation of the Susquehanna divisions of the Pennsylvania canal, nor approach within thirty feet of the inner edge of the bank of the same, or the balance beams of the locks, when of ordinary and suitable lengths, or other existing fixtures of said canal, on the tow-path side, nor within fifteen feet of the same on the herm side, except when it may be necessary to cross the said canal with bridgeways, which shall be on the canal at least ten feet in the clear, above high water level of the canal: *Provided*, That where the said railroad be located adjacent to or across any of the canals or slack water improvements of this commonwealth, the said location, and the height of the bridge or bridges, shall be approved of by the 3d Proviso.

- Canal Commissioners, before actual operations shall be commenced: *And provided also*, That the legislature reserves the right to reduce and regulate the tolls hereby authorized: If any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or designedly and with evil intent, place or put any obstructions on the line of the railroad, so as to jeopardize the safety and endanger the lives of persons traveling on the same, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall be adjudged, on conviction, to be imprisoned in the Eastern Penitentiary of Pennsylvania, for a term not exceeding two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.
- 4th Proviso.
- 5th Proviso.

SECTION 21. If any owner or driver of any car, carriage, wagon, or conveyance, upon the railroad, 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 ten 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.

Penalty for defrauding the comp'y.

SECTION 22. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, 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, he, she, or they, shall forfeit and pay to the said company, the actual damages so 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 said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

Penalty for injuring the works of the company.

SECTION 23. If the said corporation shall not carry into effect the objects of this charter, within the time 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 one year, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Time for completing, etc.

SECTION 24. If an increase of the capital stock be deemed necessary by the stockholders, to complete the said railroad, 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 the capital of said company shall be sufficient to complete said railroad, to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 25. If 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 said company.

Legislature may resume the right, &c.

SECTION 26. When a good and sufficient railroad shall be completed, agreeably to the provisions of this act, the property of the said road shall be vested in the said president, directors and company, and their successors, for and during the term of twenty years, to commence from the time when the said road shall be completed, and after the expiration of twenty years, as aforesaid, it shall be lawful for the commonwealth to purchase the said railroad, and the company shall be obliged to take such sum of money therefor as shall have been expended by them in the construction of the said road, and its appurtenances, or in the payment of damages for and on account of such construction, together with interest on the said sum, at six per per cent. per annum; if the nett proceeds of tolls on the said road, shall not amount to six per cent. on such sum, then in addition to the same, so much as will make the same equal to six per cent., and that the tolls shall not at any time be reduced below the tolls upon the Philadelphia and Columbia railroad.

Property of the road vested for 20 yrs

Commonw'th may purchase the road, &c.

SECTION 27. The Baltimore and Peach Bottom railroad company, incorporated by the legislature of Maryland, at their session of eighteen hundred and thirty-five and thirty-six, shall have full power to extend their road to the river Susquehanna, at Peach Bottom, in this state, and shall have the same powers, and be subject to the same rules and regulations, as the York and Maryland Line Railroad now are, as fully as if the said rules and regulations were here inserted.

Baltimore & Peach Bottom railroad company empowered and restricted.

SECTION 28. That the Little Schuylkill and Susquehanna railroad company, are hereby authorized to make contracts with such railroad or canal companies as they may believe necessary, to enable them to carry their coal to market.

L. Schuylkill & Susq. railroad company authorized.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The third day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.