

thereof be paid in, nor shall the said bank purchase any, nor shall any loan be made upon the pledge of its own stock, nor shall the said bank incorporated by this act, purchase or hold any other bank stock, or the stock of any incorporated company having banking privileges.

Bonus.

SECTION 8. The said bank shall pay into the treasury of the commonwealth, the sum of three thousand dollars, in three equal payments, of one thousand dollars each, in one, two, and three years from the date of its charter, as a bonus or consideration for its banking privileges.

Legislature reserve the right to alter.

SECTION 9. The privileges hereby granted to the said bank, shall be subject to such alterations, provisions and restrictions, as the legislature may hereafter think proper to enact, and shall be liable to such taxes, whether on dividends or otherwise, as the legislature may at any time hereafter impose.

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.

No. 94.

An Act

To incorporate the Pittsburg and Laughlinstown Railroad Company.

Commissioners.

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 George Darsie, Thomas Bakewell, John M'Masters, James Kelly, Robert Peebles, Henry Chafent, William M'Crea, J. Cavit, of Cavit's Mills, Robert Carothers, William Wilkins, William W. Irwin, J. R. M'Clinstock, Thomas Williams, W. W. Fetterman, Neville B. Craig, Samuel Fahnestock, M. B. Miltenberger, John H. Shoenberger, Alba Fisk, Edward D. Gatzzam, William Wade, H. M. Watts, James Carothers, James Patterson, Jr. W. A. Irvine, James W. Brown, William Arthurs, David

Lynch, William Croghan, Harmer Denny, James Ross, Jr. Hugh Davis, William Robinson, Jr. S. C. Cooper, Alexander M'N. Semple, Samuel Baird, James K. Moorhead, Benjamin Carpenter, John M'Clintock, James Gray, George A. Cook, John D. Davis, Richard Biddle, Robert Watson, Thomas M'Kown, Daniel Negley, John Fritchman, Fauntly Muse, Caleb Edmondson, Dr. Sandford Bell, Jesse Sill, and William Caven, of the county of Allegheny, Richard Coulter, Jacob Welty, Joseph H. Kuhns, Albert G. Marchand, Barnet Thomas, John Kuhns, Frederick J. Cope, Frederick D. Steck, John Morrison, Samuel B. Bushpird, Christopher Cribbs, Simon Drum, Joseph Court, Zachariah Pool, Jacob M. Wise, Peter George, Robert Graham, Henry Kuhn, Benjamin R. Marchand, Henry Kieffer, Jr. Christopher M. Walthour, Michael Painter, Frederick Bierer, John Ruff, John Rodgers, John Barnhart, George Kettering, John Pollock, Joseph Moorhead, Samuel P. Brown, John Fleeger, William H. King, Hugh Cavet, Peter Row, John Young, Randal M'Laughlin, John Taylor, James Goodlin, George T. Ramsey, John Moorhead, John Hill, John Klingensmith, James Clark, Abraham Horbach, William Logan, Samuel Kuhns, John B. Alexander, Samuel Miller, Mathew Jack, Alex. Johnston, Daniel Bonbright, John M'Farland, Noah Mendell, Thomas Pollock, Jacob D. Mathiot, John F. Beavers, John Y. Barclay, Christian Walthorn, John Irvin, Robert Lowthers, William T. Baldrige, Thomas Hurst, Robert Hitchman, David Smith, Benjamin Parks, Joseph Coulter, William M'Kinney, David Eichar, James Keenan, Lebbeus L. Bigelow, Joseph Russel, Jacob S. Steck, John H. Isett, Hugh Y. Brady, Thomas Armstrong, Abraham Weaver, Armstrong Johnston, of the county of Westmoreland, Smith Agnew, R. P. Linton, George W. Kern, Abram Morrison, George S. King, of Cambria county, Elijah Denniston, John Graham, John Stattler, John Dibutt, John Rishaberger, Henry S. Picking, George Pile, Jacob Gebhart, Abraham Brugh, Charles Ogle, George Ross, of the county of Somerset, John Hammer, Abraham Schell, John Bowser, Henry Snider, John Silver, John H. Hoffius, Peter Schell, Humphrey Dillon, James M. Russel, David Mann, Nicholas Lyon, Abraham Kearns, Walter Brown, William Hartley, Jacob Barndollar, Baltzer Morgert, Martin Loy, Robert Earley, Samuel Tate, John Fletcher, David Ford, Henry Hoke, George Denig, George Puderbaugh, Henry H. Fore, Michael Reed, of the county of Bedford, Samuel Moorhead, Jr. R. B. M'Cabe, Thomas Boyle, J. Noble Nisbet, John Cunningham, of Indiana county, Thomas G. M'Cullough, Thomas Chambers, Mathew Patton, Samuel Dunn,

John Flanagan, William Gilmore, John M'Allen, James Campbell, Andrew B. Rankin, Phineas Eachus, John D. Work, Henry Funk, Thomas Walker, Michael M. Stoner, John Nill, Jacob Walter, Jacob Besore, James Reily, William M. Cooper, Samuel Fisher, John P. Baker, Napoleon B. Hughes, James Patton, of Franklin county, Henry Huber, Robert E. Gray, Caleb Cope, Bartholomew Reese, John Snyder, James Harper, Samuel Fox, Joseph M'Ilvaine, John Swift, David Hassinger, Robert Donnell, Charles Robb, Isaac Myer, George W. Jones, Henry S. Spackman, Sansom Pirot, N. C. Foster, Thomas Cave, Thomas Hart, John Nagle, William Amies, John Rush, R. W. Pomeroy, William A. Peddle, Adam Woelpper, William Fling, Charles B. Trego, Tobias Huber, William J. Leiper, Elhanan Keyser, John Byerly, Jesse Williamson, Thomas Roney, John Horn, George N. Baker, James Donaldson, Michael Freytag, Bartholomew Graves, James M. Linnard, Lewis Troutman, Benjamin E. Carpenter, John Rheiner, Jr. Samuel Butcher Mason, Daniel Bender, John H. Bryant, John Bender, Joseph Rheiner, Daniel Hotz, sen. John Rambo, Thomas Weaver, Lewis Crousilet, Jr. Isaac Leech, Evan W. Thomas, Charles Shisler, John M. Justice, Samuel Speel, George G. Thomas, Oliver Evans, Abraham Kentzing, 3rd George Jeffries, James M'Clintock, Robert T. Bicknell, Charles D. Lybrand, Alexander L. Hodgdon, John Struthers, Joel Cook, Robert Rowell, Mathew C. Ralston, D. F. Condie, Joseph Dimond, Benjamin Martin, G. W. Chambers, Henry M. Philips, Paisey Oakford, J. W. Wallace, Thomas Barnet, Thomas D. Grover, Lemuel Paynter, Rees W. Flower, Alexander W. Reed, George C. Stevenson, Isaac Oakford, John Floyd, Jr. John Christopher, Joseph Gilkison, George W. Smick, C. V. Hagner, George W. Davis, George W. Riter, Henry Root, Windham H. Stokes, John M. Buchies, William W. Chew, Joseph Dickinson, John Patterson, John Pearce, John Tierney, Joseph Collins, Charles Springer, Samuel Heintzelman, T. W. Dukes, K. H. Bortle, Joseph A. Dean, George Gideon, John Apple, William Hall, Edward D. Martin, Peter Baker, Joseph L. Thomas, Adam Hoffman, Jacob Heyberger, Thomas Holloway, John Grim, Daniel Jeffras, William Katz, George L. Derr, Charles Springer, William Williams, John B. Trevor, and Robert Patterson, Barth'w. Rees, of Philadelphia, or any ten of them, be, and they are hereby appointed commissioners, to do and perform the several things herein-after mentioned; that is to say; they shall procure a book, which shall be opened at some convenient time and place, in which said book they shall enter as follows: "We whose

To procure a
Book.

names are hereunto subscribed, do promise to pay to the president and managers of the Pittsburgh and Laughlins-town Railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Pittsburgh and Laughlinstown Railroad company;' Witness our hands, this day of _____, in the year of our Lord, one thousand eight hundred and _____;” And shall thereupon give notice, in one newspaper printed in Greensburg, one newspaper printed in Somerset, one newspaper printed in Bedford, in two newspapers printed in Pittsburg, two newspapers printed in Chambersburg, and two or more newspapers printed in the city of Philadelphia, two weeks at least, of the time and place where the said books shall be kept open to receive subscriptions for the stock of the said company, at which time and place, one or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the names of other persons who shall authorize the same, for shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in each juridical day, for the space of three days, or until there shall have been subscribed twelve thousand shares; and if at the expiration of three days, the books aforesaid shall not have therein subscribed the number of shares aforesaid, the commissioners may adjourn from time to time, and transfer the book elsewhere, until the whole number of twelve thousand shares shall be subscribed, of which adjournment and transfer the commissioners shall give such public notice as they may deem just and necessary, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person be permitted to subscribe for more than fifty shares on the first day, and not more than one hundred on the second, after which any person may subscribe for any number of shares until the whole of the stock is taken: *And provided also*, That no subscription shall be valid, unless the person so subscribing, shall pay to the said commissioners, at the time of doing the same, the sum of five dollars on each and every share, for the use of the company.

Form of sub-
scription.

Shares \$50
each.

Notice.

Who may
subscribe.

Number of
shares 12000.

Proviso.

2d Proviso.

Charter,

SECTION 2. When four thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, as aforesaid, the commissioners, or a majority of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the

number of shares subscribed by each, and five dollars on each share paid at the time of subscribing, whereupon the Governor shall, by letters, under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Pittsburg and Laughlins-town Railroad company," and by that 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, to plead and to 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 sell, exchange, mortgage, grant, alien or dispose of, and to make such dividends of the portions of the profits as they may deem proper, and to also make, have, and keep a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution, such by-laws, 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, nor to the laws and constitution of this commonwealth, and generally, to do all and singular, the matters and things which it shall lawfully appertain to do for the well being, managing and ordering the affairs of said corporation: *Provided*, That nothing herein contained shall be so considered as in any way giving to the said corporation any banking, manufacturing, or trading privileges, whatsoever, or any other liberties, privileges or franchises, than may be necessary or incident to the making and maintaining the said railroad, and the conveyance of passengers, and the transportation of the mail, and of goods, merchandise, and other commodities thereon.

SECTION 3. The said named persons, or any ten of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days 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, to choose by a majority of the votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which said proxy shall be presented, duly authorized, one president and twelve managers, all of whom

Name and style.

Rights and privileges.

Seal.

Proviso.

Organization

shall be residents of this commonwealth, a treasurer, secretary, and such other officers as shall be deemed necessary; that the president and managers as aforesaid, shall conduct the business of the company until the second 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 laws and constitution of the United States, or of this commonwealth, for the well governing the affairs of the said company: *Provided*, That no person shall be eligible to the office of president or manager, except a stockholder. Proviso.

SECTION 4. The stockholders shall meet on the second Monday in January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous, by the secretary, in the newspapers before mentioned, and choose, by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other time 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 the votes, in the manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, and to do and 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 ratio following: for each share not exceeding two shares, one vote, for every two shares above two and not exceeding ten shares, one vote, and for every five shares above ten, one vote, but no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of election, nor unless it be holden 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 co-partnership, 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 transfer, shall be entitled to a 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 of assembly of this commonwealth, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies:" Annual election.

Ratio of votes.

Proviso.

2d Proviso. *And provided also,* That no share shall be entitled to a vote at any election, or at general or special meetings of said company, on which any instalment or arrearages may have been due and payable more than thirty days previous to said election or meeting.

Manner of conducting election. SECTION 5. The election of officers provided for in the third section of this 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 election, and to conduct the same, after having taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law, and the best of their knowledge and abilities, to conduct the same; the said judges shall decide upon the qualification of voters, and when the election is closed, shall count the votes, and declare who is elected, and

Neglect to elect not to dissolve.

if it shall at any time happen that an election of president, managers, treasurer, secretary, or other officers, shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president, managers, secretary, treasurer, or other officers, on any 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, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers and duties incident to their respective situations, until an election shall take place, and in case of death, resignation, or removal from the state of the president, managers, treasurer, or secretary, his or their place may be filled by the board of managers, until the next annual meeting.

Vacancies—how filled.

Meetings.

Quorum.

Minutes.

Power to appoint officers, etc.

SECTION 6. The said president and managers shall meet at such times and places as shall be most convenient for the transacting of their business, and when met a majority shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have authority to appoint all such surveyors, engineers, superintendents, and other artists, officers and agents, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for moneys, 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 matters and things as by this act, and by the by-laws and regulations of the company, they are authorized to do.

SECTION 7. The said president and managers first chosen, shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for the number of shares by him or her subscribed or held, which certificate or evidence of stock shall be transferable at his or her pleasure, in person, or by attorney duly constituted, in the presence of the president or treasurer, one of whom shall keep a book for that purpose, subject however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered on the book of the company kept for the transfer of stock, shall be a member of the corporation, and for every certificate assigned to him or her as aforesaid, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all the penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

SECTION 8. If after thirty days notice in the newspapers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, 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 assignees, shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of said payment, and if the same and the additional penalty shall remain unpaid for such a 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 company, and may be sold to any person or persons, 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.

SECTION 9. The president and managers of said company shall demand and require from the treasurer, and from all

Treasurer & every other officer, person or persons whatsoever, employed by them, such surety as the said company may think necessary, for the faithful discharge of their several duties and trusts to them committed.

Dividends. SECTION 10. Dividends of so much of the profits of the company as shall appear advisable to the managers, shall be declared at least twice a year in each and every year, and paid to the stockholders, or their legal representatives, on demand, at any time after ten days shall have elapsed from the time such dividend shall have been declared, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be impaired thereby, and if the said president and managers shall at any time make a dividend whereby the capital stock of the company may be impaired, the managers consenting thereto shall be liable in their individual capacities to the company, for the amount of the stock so divided, and each manager present when such dividend shall be declared, shall be taken and deemed as consenting thereto, unless he, or they, shall cause their protest against the same to be entered on the minutes of the board of managers, and give notice thereof to the stockholders of the same: *Provided*, no dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of the capital.

Liabilities.

Proviso.

Route. SECTION 11. 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 railroad, with as many tracks as they may find necessary, beginning at Pittsburg, in Allegheny county, and terminating at Laughlinstown, or at or near the town of Ligonier, in Westmoreland county: *Provided*, That the said railroad shall not pass through or over any burial ground, or the ground belonging to any place of public worship intended for that purpose, or any dwelling house, without the consent of the owner thereof; and 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 Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may be then opened, and all expenses incurred thereby, shall be defrayed by the said company.

Proviso.

Map.

SECTION 12. The said president and managers shall have power, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon, and occupy the

land on which said railroad may be located, and for repairs Right to en-
 to the said road, and therein to dig, embank, excavate, tun- ter upon lands
 nel, make and construct said road; and the said company and occupy
 shall previous to making said entry, first pay and satisfy them.
 the owner or owners of the ground to be taken and occupied as
 aforesaid, but if the parties cannot agree upon the price and
 compensation so to be paid by the said company, to such Compensation.
 owner or owners, it may be lawful for the parties to appoint
 five suitable and judicious persons, and in case the said parties
 cannot agree upon such persons, then either party, having given twenty days notice to the other of their intention
 so to do, may apply to the court of Common Pleas of the Mode of as-
 county in which the property is situated, and the court shall sessing dam-
 award a venire, directed to the sheriff, to summon a jury ages.
 of judicious and disinterested persons, in order to ascertain
 and report to the said court what damages, if any, have ac-
 crued to the owners of said land, houses, or other buildings,
 by reason of the construction of said railroad through or upon
 the same, which said jury, having been first sworn or affirm-
 ed justly and equitably to assess the damages, if any, which
 may have been sustained by the owner or owners of the
 land, and having viewed the premises, shall proceed to esti-
 mate the quantity and quality of the land to be occupied by
 the said railroad, and the inconveniences which may result
 to the owner of the same, by reason thereof, and under the
 influence of these considerations, and a just regard to the
 advantages which may be likely to accrue to the owner or
 owners of said land, from the opening of the said railroad
 through the same, to make their assessment, and report to
 the court, which said report being confirmed by the court,
 judgment shall be entered thereon, and the amount so assess-
 ed shall be paid to the owner or owners of said land, before
 any entry shall be made by said company; and the expenses
 of said valuation shall be borne by the company; in order to
 avoid delay and expense, it shall and may be lawful for as
 many owners of land as may think proper, to submit their
 claims for damages to the same jury, whose report on their
 respective claims, shall be taken to have the same effect,
 and be equally binding as though the venire had been issued
 at their instance or request: *Provided always,* That either
 party may, within thirty days after such award or report Proviso.
 shall have been filed in the prothonotary's office, appeal
 from the same, by filing in said office an affidavit, that in
 their opinion injustice has been done; if the company be the
 appellant, said affidavit shall be made by the president, or
 some one of the managers thereof, said cause shall be then
 placed on the trial list, and tried as all other issues are

2d Proviso. tried in said court: *And provided also*, That in case the owners of any of the lands through which said road shall pass, be feme covert, or minors, non compos mentis, or living out of the state, without trustees, guardians, committees, or accredited agents here, then and in that case, it shall be the duty of the president or managers of said company to make the facts known to the said court, whose duty it will be to appoint some suitable person or persons as trustees, guardians, committees or agents, to act in their behalf, under the control and direction of the court.

Right to use the road. SECTION 13. Any individual unconnected with any other railroad company, shall, on his own account, be permitted to use the said railroad with his own cars, subject and under such regulations, rules and orders, as the said Pittsburg and Laughlinstown railroad company may make, order and direct; and the company shall not prevent any person or persons being the owner or owners of lands bordering on said railroad, or adjacent thereto, making such lateral railroads, and to connect them with the said railroad from their said lands, as the said person or persons may conceive necessary for the purpose of transporting merchandise, stone, timber, produce or coal, upon the said railroad.

Lateral roads may be made to connect.

Right to enter upon lands for materials. SECTION 14. The president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near the said railroad, first giving notice to the owner or owners, or occupiers thereof, and from thence to take and carry away any earth, stone, gravel, or sand, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon, the amount whereof, if the parties cannot agree, shall be assessed as directed in the twelfth section of this act.

Public roads not to be obstructed. SECTION 15. The said railroad shall be so constructed as not to impede or obstruct the free use or passage of any public road, street, or other highway, now laid out and opened, or to be hereafter laid out and opened, and that for the accommodations of all persons through whose lands said road may pass, it shall be the duty of said company to erect good and sufficient causeways or bridges, from one side of the road to the other, where the same may be required, and the same to be always kept in good order, at the expense of said railroad company, and in case the said company shall, upon reasonable notice and request of any of said land holders, or occupiers of said land, refuse to make such causeways or bridges forthwith, or when made to keep the

Public causeways.

same in good order and repair, said company shall be liable to the party aggrieved, for the damages sustained by said neglect or refusal, before any magistrate or court having cognizance thereof: *Provided*, That the said company shall not be compelled to make, or cause to be made, more than one causeway or bridge through any one plantation or lot of ground, for the accommodation of any one person owning or occupying said plantation or lot of ground: *And provided also*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out or opened subsequent to the passage of this act, then and in such case, the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair: *Provided*, That this act shall not be so construed as to prevent owners of land through whose property the said railroad passes, from constructing a bridge, causeway or crossing place over or under said railroad, in conformity with such as are usually made by said company. *Proviso.* *2d Proviso.* *3d Proviso.*

SECTION 16. No suit or action shall be prosecuted by any person or persons, for any penalties incurred by the said railroad company, under this act, unless such suit or action shall be commenced within two years next after the offence committed, or the cause of action shall have accrued, and the defendants in any 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 the authority of this act, and that in all suits or actions brought against this company, the service of process on any manager, toll-gatherer, or other officer of the company, shall be as good and as available in the law, as though the same had been made on the president thereof. *Suits when to be commenced, etc.*

SECTION 17. If any person or persons shall wilfully and knowingly break, injure, or destroy, or in any manner damage the railroad hereby authorized, 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 three times the actual damages so sustained, to be sued for and recovered, with full costs of suit, before any tribunal having cognizance thereof, by action, in the name and for the use of the company, and shall be subject to indictment in any 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 railroad.*

SECTION 18. If any person or persons shall wilfully and

Penalty, for destroying constructions etc. maliciously remove or destroy any of the company's constructions, or place, designedly and with evil intent, any obstruction on the line of the said railroad, so as to jeopardize the safety, or endanger the lives or limbs of persons traveling the same, or injure the engines, cars, or goods transported thereon, such person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the Western Penitentiary, or the prison of the county, where the offence shall be punished by fine and imprisonment, at the discretion of the court: *Provided*, That nothing herein contained, shall prevent said company from pursuing any pecuniary action for the damage or injury so done and committed.

Proviso.

Power of establishing, and regulations.

Proviso.

Tolls.

Statement of affairs.

Time of commencement and completion, etc.

SECTION 19. It shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on said road, and for its preservation, with power to alter, amend, repeal or enlarge the said rules and regulations, as they may deem expedient, and that they shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons to be used on the said road, for the conveyance of passengers, and transportation of the mails, or of goods, wares, merchandise, lumber, and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof, as they may deem expedient: *Provided*, That the toll on any species of property, shall not exceed an average of six cents per ton per mile, nor upon each passenger, an average of three cents per mile, and the legislature reserves the right to regulate the tolls hereby authorized.

SECTION 20. At each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called, by order of the president, at the request of stockholders holding one-third of the amount of capital stock, in like notice as that required for annual meetings, specifying the object of the meeting, but no business shall be transacted at said meeting, except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend, in person or by proxy.

SECTION 21. If the president, managers and company, shall not proceed to carry on said work within three years from the passage of this act, and shall not complete the same within seven years, as aforesaid, according to the true

intent and meaning of this act, or if after the completion of the said road, the company shall suffer the same to go to decay, and be impassable for the space of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

SECTION 22. If any increase of the capital stock of the said company shall be found necessary and expedient to improve or to complete the said road, or to increase the facilities of traveling or transportation upon the same, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for that purpose, to increase the number of shares, so that the capital of the said company shall not exceed one million three hundred thousand dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties as are provided for heretofore in the original subscription, or as shall be provided for in the by-laws.

SECTION 23. At the end of the third year after the charter shall have been obtained, 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 amount of the capital paid in, and the debts of said company, the amounts received for tolls and transportation, and rates charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company; and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum per annum on the capital stock actually paid in.

SECTION 24. 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 corporation; the legislature also reserves the right to purchase the rights of said company, and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall be equal to the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

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.