

## No. 104.

**A Further Supplement**

To the act entitled "An act incorporating the Marietta, Bainbridge, Falmouth and Portsmouth Turnpike Road Company."

Capital stock  
may be in-  
creased.

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 the president, directors and company of the Marietta, Bainbridge, Falmouth and Portsmouth Turnpike Road company, be, and they are hereby authorized to increase their capital stock to such an amount as they may deem necessary, for defraying any expenses which may be incurred by said company in the exercise of the privileges conferred on them in the following sections.

Power to in-  
tersect the  
Harrisburg,  
Portsmouth,  
Mountjoy &  
Lancaster  
Railroad.

SECTION 2. The said company shall be, and is hereby authorized and empowered, to lay a single or double track of rails on said road, and of extending said road from its present termination to the town of Portsmouth, and at or near Portsmouth, to intersect the Harrisburg, Portsmouth, Mountjoy and Lancaster railroad, with full power to straighten the aforesaid road, if deemed expedient, and occupy said road exclusively as a railroad, and shall permit any person or persons to occupy and use the said road, in such manner, and under such restrictions as the said company shall establish and direct, and the said company shall have like powers, authority, and privileges necessary for carrying on and completing said railroad, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, as are given and granted to the president, and managers and company incorporated for the purpose of making a railroad from Portsmouth to Lancaster, passed on the ninth day of June, Anno Domini, one thousand eight hundred and thirty-two.

The property  
of the rail-  
road vested  
in the comp'y  
for 20 years.

SECTION 3. When a good and sufficient railroad shall be completed, agreeably to the provisions of this act, the property of the said railroad shall be vested in the said president, directors and company, and the successors, for and during the term of twenty years, to commence from the time when the said railroad shall be fully and completely finished, and at the expiration of twenty years, or at any time thereafter, it shall be lawful for the commonwealth to purchase the said railroad from the said company, by paying to the said com-

Common'th.  
may pur-  
chase the  
road.

pany the original cost expended in the construction thereof, together with six per cent. interest per annum thereon, deducting from the sum of principal and interest aforesaid, the dividends before declared by the said company, on the capital stock, and on the payment thereof by the commonwealth, to the said company, in such manner and form as shall be agreed upon by the said company, and agents duly authorized by the said commonwealth, all and singular, the railroad aforesaid, with its appurtenances, shall be vested in the commonwealth, and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per cent. per annum on all dividends which may exceed six per cent. per annum on the capital stock actually paid in.

SECTION 4. The title of said company shall be, and the same is hereby changed from the Marietta, Bainbridge, Falmouth and Portsmouth Railroad company, to the "Marietta and Portsmouth Railroad company." Title.

SECTION 5. That States B. M. Yants, John Keller, John Knorr, Samuel Creasy, Jacob Hartzel, Ulrich Michael, William Woods, Abraham Ludwig, Eleazor Brothwell, Samuel Harman, John Rhoads, William Donaldson, Peter Baldy, S. F. Headly, E. O. Jackson, and John Fries, of the county of Columbia, or any five 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 sufficient number of suitable books, in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Mifflinsburg, and Catawissa Furnace 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 agreed upon 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 Mifflinsburg and Catawissa Furnace Railroad company;' Witness our hands, this            day of            , in the year of our Lord, one thousand eight hundred and thirty-seven;" and shall thereupon give notice, in two papers printed in the counties of Columbia and Schuylkill, three weeks at 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 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 any other persons who shall authorize the same, for any number of shares in

Commissioners. of the Mifflinsburg and Catawissa Furnace Railroad comp'y.

To procure books.

Form of subscription.

Shares \$50 each.

Notice.

Who may subscribe.

the said stock, and the said books shall be kept open respectively for that purpose, at least six hours in every juridical day, for the space of six days, or until there shall have been 1,500 shares. subscribed one thousand five hundred 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 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 case 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.

\$5 to be paid at subscribing.

Letters patent.

Name, style and title.

Privileges & liabilities.

Seal.

Proviso.

SECTION 6. When three hundred 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, 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 Mifflinburg and Catawissa Furnace Railroad company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of whatever 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 portion of the profits as they may deem proper, and also, to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall appear 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 of the affairs of the same: *Provided*, That nothing herein contained shall be

considered as in any manner giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be incidental to the making and sustaining of the said railroad.

SECTION 7. The president, managers and company of the Route. 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 a point at or near the place fixed upon as a point for the erection of a bridge across the North Branch of the river Susquehanna, at Millinburg, in the county of Columbia, thence to intersect the Little Schuylkill and Susquehanna Railroad, at or near the Catawissa furnace, in said county, having due regard to the situation or nature of the ground, and of the buildings thereon, as the public convenience and the interests of the stockholders may require, and so as to do the least damage to private property, and the said railroad shall not pass through any burying ground, or place of public worship; the president, managers and company shall, within six months after ascertaining the route of said railroad, cause an accurate survey of the route of the said railroad to be made, a map or Map. plot, of which survey, they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certificate or copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expense incurred thereby, shall be defrayed by said company.

SECTION 8. That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth <sup>Parts of act of 4th April, 1833, extended to this company.</sup> sections of the act passed the fourth day of April, one thousand eight hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading Railroad company," be, and the same are hereby made a part of this act, as fully and effectually as if it had been enacted section by section: *Provided*, That the <sup>Proviso.</sup> mode of ascertaining damages provided for in the twelfth section, above referred to, shall be made in the county where they occur.

SECTION 9. The president and managers of the aforesaid company shall, annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath or affirmation, and shall annually pay into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in. <sup>Tax on dividends.</sup>

Toll may be reduced and regulated. SECTION 10. The legislature reserves the right to reduce and regulate the toll hereby authorized, and the right of purchasing the said railroad, with all its appurtenances, at any time after the expiration of twenty years from the time of completing the said railroad, by paying to the said company the costs and expenses of constructing said railroad, and keeping the same in repair, together with eight per cent. per annum interest thereon, after deducting the amount of tolls collected by the said company.

Preamble relative to Tio-ga Railroad and Coal company. WHEREAS, a mistake occurred in the thirty-eighth section of the act of last session, entitled "An act to incorporate the Preston Retreat, and relative to the sale of lands of St. John's church, in Norristown, Montgomery county, and for other purposes," by making the word "coal" read "canal;" Therefore,

Error corrected. SECTION 11. That the word "coal" shall be, and hereby is substituted for the word "canal," in the said section of the act aforesaid.

Relative to the borough of Norristown and Ridge Turnpike comp'y. SECTION 12. That so much of the twenty-sixth section of the act entitled "An act authorizing the Governor to incorporate the Huntingdon and Chambersburg Railroad company," passed the sixteenth day of June last, as requires the Ridge Turnpike company to pave the gutters along the main street in the borough of Norristown, or to conform to any of the regulations of the town council, in making, repairing, and grading their road through said borough, be, and the same is hereby repealed.

Sandy and Beaver canal, time for making extended. Proviso. SECTION 13. The time required by the act to which this is a supplement, for commencing and completing that part of the Sandy and Beaver canal which is to be in Pennsylvania, is hereby extended, and no part of the privileges granted to the said company by the act to which this is a supplement, shall be rendered void: *Provided*, That the said company commence active operations within three years from and after the passage of this act, and complete within five years the said canal, to the mouth of the Big Beaver creek.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

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

JOS : RITNER.