

said county of Luzerne, conditioned for the faithful application of the proceeds of such sale.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the seventeenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 33.

An Act

To incorporate the Athens and Ithaca Railroad company, and for other purposes.

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 Lemuel L. Elsworth, Nathaniel Clapp, George A. Perkins, Francis Tyler, Robert Spalding, ed. Lockwood Smith, Jesse Brown, Samuel Ovenshire, George H. Wells, John Watkins, Edward Herrick, Simunons Hovey, Eli Baird, Burton Kingsbury, and John F. Satterlee of Bradford county, or any six of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of November next, procure a book or books, which shall be opened at some convenient place or places, as the commissioners may designate, in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the President and Managers of the Athens and Ithaca Railroad company the sum of fifty dollars for each share of the stock set opposite to our respective names, in such manner and in such proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled An act to incorporate the Athens and Ithaca 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 or more newspapers printed in the county of Bradford, three weeks at least of

Commissioners appointed

To procure books.

Form of subscription for stock.

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 said books, in their own names or in the names of any other persons, who shall authorize the same, for shares in said stock, and the said books shall be kept open respectively, for the space of six hours in every juridical day for the space of six days, or until there shall have been subscribed one 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 books elsewhere at pleasure, until the whole number of one 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 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.

SECTION 2. When three hundred shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, and the sums paid thereon, whereupon the Governor shall, by letters patent, under his hand and 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 as aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of the Athens and Ithaca 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 real estate, 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 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

Who may subscribe.

No. of shares

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

Letters patent.

Name, style and title.

Powers.

Seal.

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 be *Proviso.* considered as in any way giving to the said corporation any banking, manufacturing, or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said railroad, and such cars, locomotives, fixtures, and devices proper and convenient for facilitating travelling or transportation on the said railroad.

SECTION 3. The said named commissioners, or any six of *Organizat'n.* 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, and to choose by a majority of 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 such proxy shall be presented, duly authorized, one president and nine managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company 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.

SECTION 4. The stockholders shall meet on the first *Annual elec-* Monday in November in every year, at such place as may be *tion.* fixed 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 third 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 *Powers.* or special meeting they shall have full power and authority to make, alter and repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act,

Ratio of
votes.

and the number of votes each stockholder shall be entitled to, 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, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting, unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, 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 person shall be permitted to vote at the first election of the said company, unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act: *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

Proviso.

2d Proviso.

Manner of
conducting
election, &c.

SECTION 5. The election of officers provided for in the fourth 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 said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman, judge or justice of the peace, well and truly, and according to law, to conduct such election, to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes, and declare who is elected; and 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 deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary 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, secretary 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, and in the case of death, or resignation, or removal from the state of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

SECTION 6. The said president and managers shall meet ^{Meetings.} at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who, in the absence of the president, may ^{Quorum.} choose a chairman, and shall keep minutes of their transac- ^{Minutes.} tions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such ^{Powers.} surveyors, engineers, superintendents and other artists and officers 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 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 and 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.

SECTION 7. The president and managers first chosen shall ^{Certificates} procure certificates of stock for all the shares of the said of stock. 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 the share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his ^{Of transfer.} pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, each 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 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 share assigned, shall be entitled to one share of the capital stock, 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 balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 8. If after thirty days notice in the public papers ^{Penalty for} aforesaid, of the time and place appointed for the payment of ^{neglecting} any proportion or instalment of the said capital stock, in order ^{to pay instal-} ^{ments.}

- 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 one 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.
- Proviso.**
- Treasurer.** SECTION 9. The president and managers of said company shall demand and require of and from the treasurer, and all and every officer and other person by them employed, bonds, 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 committed, respectively.
- Official bonds.**
- Dividends.** SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the president and 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 president and managers shall make any dividend which shall impair the capital stock of said institution, the president or 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 judged 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
- Proviso.**

dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock.

SECTION 11. 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.
Tax on dividends.

SECTION 12. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said railroad, beginning at or near the Pool at Athens village, Bradford county, and extending a northwardly course to the New York and Pennsylvania state line, having due regard to the situation and 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; and the said road shall not be more than three rods wide, 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 then be opened, and all expenses incurred thereby shall be defrayed by the said company: *Provided*, The laying out and course of said road shall be best adapted to form a connexion with the contemplated railroad from Ithaca to the state line.

Route.
Map.
Proviso.

SECTION 13. It shall be lawful for the president, managers and company of the said railroad company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for the purpose of searching for and procuring stone and gravel for constructing said road, but no stone, sand or gravel shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same materials.

Authority to enter upon lands.
Damages for materials.

be ascertained, and the payment thereof secured, to the satisfaction of the owner, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which said road may be laid.

SECTION 14. It shall and may be lawful for the company hereby incorporated to make, erect, or establish a double or single track railroad on the route laid out as aforesaid, and the said company are also hereby empowered to erect, 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 objects 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, works, devices and edifices.

SECTION 15. Whenever it shall be necessary for the president, managers and company 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 lands 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 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, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, and who shall reside in 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 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, at the costs and charges of the 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 said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and

Double or
single track.

Works, edi-
fices, &c.

Estimation
of damages.

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 in other cases, 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 such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company and those who act under them shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment or tender of payment by the said company of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents, or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed. 2d Proviso.

SECTION 16. The said railroad shall be so constructed by the said company as not to obstruct or impede free use or passage of any canal, public road or roads, which may cross or 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 or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to enable all persons passing or traveling such canal or public road to cross and pass over or under the said railway, which bridge and causeway or causeways, shall be made and maintained by the said company, and the sufficiency of the same shall be judged by the supervisor or supervisors of the proper township, and if the said company shall refuse or neglect to make such bridge, 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 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. Public
causeway.

Private
causeway.

SECTION 17. For the accommodation of all persons owning or possessing land through which the said railroad may or 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 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 said railroad may or shall pass, and 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, the said company shall be liable to pay any person aggrieved thereby all 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 available in law as if served upon the president thereof: *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 or causeway or crossing place over or under said railroad in conformity with such as are usually made by said company.

Proviso.

2d Proviso.

Time when
suits for
penalties
shall be
commenced.

SECTION 18. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suits or actions 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.

Lateral rail-
roads.

SECTION 19. The company shall not prevent any person or persons being the owner or owners of land bordering on the 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.

SECTION 20. On the completion of any part of the said road, or any portion of one track, not less than ten miles, Tolls. 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 as they shall from time to time think reasonable: *Provided*, That ^{Proviso.} the toll on any species of property shall not exceed ten cents per ton per mile, and upon passengers more than four cents per mile, and the legislature reserves the right to reduce and regulate the tolls hereby authorized, 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.

SECTION 21. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice, car, engine or other device, or work. ^{Penalty for injuring the} 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 said 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.

SECTION 22. If the president and managers of said company shall not proceed to carry on said work within five years from the passage of this act, and shall not complete the same as aforesaid, in ten years, according to the true intent and meaning of this act, or if after the completion of the said railroad or any part thereof, 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 said company to make reparation for damages. ^{Time for commencing and completing the work, &c.}

SECTION 23. If any owner or driver of any car, carriage, wagon, or conveyance upon the said 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 twenty 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 ^{Penalty for defrauding the Co.}

may be sued for and recovered, together with the costs of suit.

SECTION 24. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, cars, engines and other devices, 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 said company shall not exceed seventy-five thousand dollars, and to receive and demand the money for shares so subscribed, in like manner and under like penalties as are herein before 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; the legislature also reserves the right to purchase the rights of said company and the railroad, with its appurtenances, at any time after twenty 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.

SECTION 26. If the said company, in the construction of the said road, or in any other manner, by themselves, their agents or contractors, shall obstruct or impede the navigation of any navigable stream, the said company shall pay any damages which may be occasioned to any individual or individuals by such obstruction, or by so impeding the said navigation, which damages shall be recovered by the party aggrieved by an action of trespass on the case.

SECTION 27. Samuel Miller, Charles Edsell, Hiram B. Roberts, Joshua G. Spencer, Norman Wells, Seth Dagitt, Benjamin Bentley, William K. Mitchell, Jacob Prutsmar, B. C. Wickham, Alva C. Bush, William Willard, Jonah Brewster, John W. Guernsey, Butler Smith, James Goodrich, Elijah Depuy, John W. Mayward, Thomas B. Depuy, E. W. Hazard, Asa Mann, Edwin B. Andres, Nathaniel Thompson, L. J. Nichols, James Kimball, John F. Donaldson, Job Geese, Robert G. White, Francis Wetherbee, or or any six of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of August next, procure a book or books, which shall be opened at some convenient place or places, as the commissioners may designate, in which they shall enter as follows: "We whose names are hereunto subscribed, do promise

Capit'l stock
may be in-
creased.

The legisla-
ture may re-
sume the
rights & pri-
vileges
granted.

Damages
for obstruct-
ing naviga-
ble streams.

Tioga and
Seely creek
Railroad Co.
Commiss'rs.

To procure
books.

to pay to the president and managers of the Tioga and Seely creek Railroad company, the sum of fifty dollars for each share of the stock set opposite to our respective names, in such manner, and in such proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act to incorporate the Tioga and Seely creek 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 or more newspapers printed in the county of Tioga, and in the city of Philadelphia, 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 commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the names of any other persons who shall authorize the same, for shares in said stock, and the said books shall be kept open, respectively, for the space of six hours in every juridical day for the space of six days, or until there shall have been subscribed one 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 books elsewhere at pleasure, until the whole number of one 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 the books shall be closed, but no subscriptions 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.

SECTION 28. When five hundred shares, or more, of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon, whereupon the Governor shall, by letters patent, under his hand and 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 as aforesaid, and their successors, into a body politic and corporate, in deed and in law, by the name, style and title.

Name, style of The Tioga and Seely creek Railroad company, and by and title. 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 real estate, 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 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 the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises but such as may be necessary or incident to the making of the said railroad, and such cars, locomotives, fixtures and devices proper and convenient for facilitating traveling or transportation on the said railroad.

Privileges and franchises.

Seal.

Proviso.

Organization.

SECTION 29. The said named commissioners, or any six 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 hereinbefore 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 by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and nine managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company 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.

SECTION 30. The stockholders shall meet on the first Monday in November, 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, 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 twenty-ninth 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 and repeal, by a majority of votes in 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 each stockholder shall be entitled to 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, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or that of his wife, or for his or her sole use and benefit, or as an 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 person shall be permitted to vote at the first election of the said company unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the twenty-eighth section of this act: *And provided further*, That no shares held by transfer shall be tied to vote unless the same shall have been transferred at least three months before the election.

SECTION 31. The election of officers provided for in the thirtieth 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 said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman, judge, or justice of the peace, well and truly, and according to law, to conduct such election to the best of their knowledge & abilities, and

Annual elec-
tion.

Powers.

Ratio of
votes.

Provido.

2d Provido.

Manner of
conducting
the elec-
tions, &c.

the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes and declare who is elected; and 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 deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, 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, secretary, 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, and in the case of death or resignation, or removal from the state of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

- Meetings.** SECTION 32. 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 five 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 power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers 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 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 and 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.
- Certificates of stock.** SECTION 33. The president and managers first chosen shall procure certificates 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 the 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 that purpose, subject however to all
- Of transfer.**

payments due or to become due thereon, and the assignee holding any certificate, having first caused 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 share assigned shall be entitled to one share of the capital stock, 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 balance and penalty due, or to become due on each share, as the original subscriber would have been.

SECTION 34. 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 one 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.

SECTION 35. The president and managers of said company shall demand and require of and from the treasurer, and all and every officer and other person by them employed, bonds 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 committed respectively.

SECTION 36. Dividends of so much of the profits of the institution as shall appear advisable to the president and 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 president and managers shall make any dividend which shall impair the capital stock of said institution, the president or 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 judged 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 fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one-fourth of their capital stock.

Proviso.

Abstract of accounts to be furnished to the legislature.

SECTION 37. 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 to 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.

Tax on dividends.

Route.

SECTION 38. The president and managers of the said rail road company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said railroad, with one or more tracks, beginning at the most eligible point in the village of Willardsburg, in the county of Tioga, to extend from thence to a point on the New York state line, where it may be convenient to connect with a railroad running from Elmira, in the state of New York, and to connect with such railroad and with the Willardsburg and Jersey Shore railroad, to connect with, intersect and cross the Tioga Navigation Company's railroad, having due regard to the situation and 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, and the said road shall not be more than three rods wide; 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 Map. 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 then be opened, and all expenses incurred thereby shall be defrayed by the said company.

SECTION 39. It shall be lawful for the president, managers and company of the said railroad company and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for the purpose of searching for and procuring stone and gravel for constructing said road, but no stone, sand or gravel 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 the payment thereof secured to the satisfaction of the owner, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which said road may be laid. Authority to enter upon lands. Damages for materials.

SECTION 40. It shall and may be lawful for the company hereby incorporated to make, erect, and establish a double or single track railroad, on the route laid out as aforesaid, and the said company are also hereby empowered to erect, 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 objects 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, work, devices & edifices. Works, edifices, &c.

SECTION 41. Whenever it shall be necessary for the president, managers and company 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 lands 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 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, or a majority of whom, shall, under oath or affirmation, fairly & impartially estimate the same, and who shall reside in 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 Mode of estimating damages.

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 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, at the costs & charges of the said corporation, to appoint six disinterested men of said county, to view, examine, & 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 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 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 in other cases, 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 such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company, and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment, or tender of payment by the said company of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as herein before prescribed.

Proviso.

2d Proviso.

Canals and public roads not to be obstructed.

SECTION 42. The said railroad shall be so constructed by the said company as not to obstruct or impede free use or passage of any canal, public road or roads, which may cross or 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 or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to enable all persons passing or traveling such canal

or public road, to cross and pass over or under the said rail-Public way, which bridge and causeway or causeways, shall be made causeways. and maintained by the said company, and the sufficiency of the same shall be judged by the supervisor or supervisors of the proper township, and if the said company shall refuse or neglect to make such bridge, 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 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 & as available in law as if served upon the president thereof.

SECTION 43. For the accommodation of all persons owning ^{Private} or possessing land through which the said railroad may or 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, & 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 said railroad may or shall pass, and the said causeway or causeways when so made, shall be maintained and kept in repair by said company; & if 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 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 available in law as if served upon the president thereof: *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 or causeway, or crossing place, over or under said railroad, in conformity with such as are usually made by said company. ^{Proviso.} ^{2d. Proviso.}

SECTION 44. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under

Time when suits for penalties shall be commenced. this act, unless said suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suits or actions 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 th is act.

Lateral rail-roads. SECTION 45 The company shall not prevent any person or persons being the owner or owners of land bordering on the 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.

Tolls. SECTION 46. On the completion of any part of the said road, 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 & commodities, under such regulations as shall be prescribed by the managers, & it shall and may be lawful for the said company to demand & receive such sum or sums of money for tolls as they shall from time to time think reasonable, for travel & transportation, & transit over said road : *Provided*, That said tolls do not make the nett revenue & profits of the said company exceed fifteen per centum per annum on the capital expended : *And provided further*, That the legislature reserves the right to redeem & regulate the tolls hereby authorized.

Proviso.

2d Proviso.

Penalty for injuring the work. SECTION 47. If any person or persons shall wilfully & knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice, car, engine, or other device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit & pay to the said company the actual damages so sustained, to be sued for & recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name & for the use of said company, and shall be subject to indictment in any court of Quarter Sessions of the proper county, & upon conviction of such offence, shall be punished by fine & imprisonment, at the discretion of the court.

Time for commencing and completing the work. SECTION 48. If the president & managers, of said company shall not proceed to carry on said work within five years from the passage of this act, & shall not complete the same as aforesaid, in ten years, according to the true intent & meaning of this act, or if after the completion of the said railroad, or any part thereof, 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 & void, except so far as compels said company to make reparation for damages.

SECTION 49. If any owner or driver of any car, carriage, wagon or conveyance upon the said 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 & pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for & recovered by action of debt before any justice of the peace, in like manner, & subject to the same rules & regulations as debts under one hundred dollars may be sued for and recovered, together with the costs of suit.

SECTION 50. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, cars, engines, & other devices, 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 said company shall not exceed two hundred thousand dollars, & to receive & demand the money for shares so subscribed, in like manner, & under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 51. If said company shall at any time use or abuse any of the privileges hereby granted, the legislature may resume all & singular the rights & privileges hereby granted to said company; the legislature also reserves the right to purchase the rights of said company, and the railroad, with the appurtenances, at any time after twenty 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 & expenses of said railroad, with an interest of eight per centum per annum thereon.

SECTION 52. If the said company, in the construction of the said road, or in any other manner, by themselves, their agents or contractors, shall obstruct or impede the navigation of any navigable stream, the said company shall pay any damages which may be occasioned to any individual or individuals by such obstruction, or by so impeding the said navigation, which damages shall be recovered by the party aggrieved by an action of trespass on the case.

SECTION 53. That John Wanner, David R. Hottenstein, Henry Lewars, Daniel B. Kutz, John Britenman, John Schenk, William Feather, David Fister, Samuel Fegely,

Hamburg,
Allentown,
Bethlehem
and Easton
Railroad
company.
Commiss'rs.

James Donagan, David Deischer, Charles J. Faber, Jacob Graeff, George Bieber, Benjamin Tyson, Daniel Young, Jacob Beihl, Junr., Peter Klein, Isaac L. Bieber, Peter Fister, Daniel Bieber, William Hottenstein, Christian L. Schleman, Lloyd Wharton, Jonas Trexler, Samuel Lobach, Benjamin D. Long, John Jackson, Michael Hoffman, Jeremiah Schappel, George Weiler, Jacob Wagenhorst, and Col. John Miller of the county of Berks, Walter C. Livingston, Peter Newhardt, John Rice, Henry Ebner, John Wilson, Jacob Dillinger, Solomon Fogel, Samuel Marx, David Shall, Peter Breinig, Michael Reichardt, John Shifferstern, Henry Larash, Jacob Shantz and Samuel Gumphert, & Timothy Weiss, Charles Ritter, Charles T. Bush, Henry K. Hillman, George Haberaker, Philip Pearson, & Charles Kreamer of the county of Lehigh, Thomas McKeen, Jacob Abel, Daniel Wagener, James M. Porter, Christian J. Hutter, Philip H. Matters, Peter Ihrie, Peter Miller, William Shouse, John Bowes, Charles W. Mixsell, Hopewell Hepburn, Michael Butz, John Davis, Andrew H. Reeder, Daniel W. Butz, George Hess, David Barnet, Melchior Horn, Charles Kitchen, George Barnet, M. Abraham Miller, James Thompson, John A. Innes, William Eichman, Lawrence Titus, Alexander E. Brown, William Green, Peter Nungesser, Samuel Davis, David Mixsell, David D. Wagener, Jacob Sheip, David Conner, Christopher Midler, Jacob Nolle, Owen Rice, George H. Goundie, Henry G. Guetter, Charles C. Tombler, Jacob Sheiner, Jacob Rice, George Oberly, Jacob Freeman, John Schroffes, Charles A. Luckinbach, J. T. Borheck of the county of Northampton, or any of them, be, & they are hereby appointed commissioners to do, & perform the several things hereinafter mentioned, that is to say: they shall, on or before the day of next, procure five books, one of which shall be opened at the house of John Bailey, in Hamburg, & one at the house of David Fister, in the borough of Kutztown, in the county of Berks; one at the house of Samuel Gumphert in the borough of Northampton, in the county of Lehigh; one at the house of Jacob Freeman in the town of Bethlehem, and one at the house of Conrad Heekman, in the borough of Easton, in the county of Northampton, in each of which said books they shall enter as follows: "We whose names are hereunto subscribed, promise to pay to the Hamburg, Allentown, Bethlehem and Easton Railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner, and in such proportions, & at such times as shall be determined by the president & managers of the said company, in pursuance of the act authorizing the Governor to incorporate

To procure
books.
Form of sub-
scription.

the Hamburg, Allentown, Bethlehem & Easton Railroad company: Witness our hands, the day of one thousand eight hundred and thirty-,” and shall thereupon give notice in one newspaper printed in the county of Berks, & one newspaper printed in the county of Lehigh, and one paper printed in the county of Northampton, two weeks at least, of the times & places when & where the said books shall be opened to receive subscriptions to the stock of the said company, at which times & places one or more of the said commissioners shall attend, & permit all persons of lawful age who shall offer to subscribe in their own names, or in the names of any other person or persons who shall authorize the same, for shares of the said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in each juridical day for the space of three days, or until thirty thousand shares shall have been subscribed, and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, & transfer the book or books elsewhere, until the whole number of shares shall be subscribed, of which adjournment & transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall have been subscribed, then the books shall be closed: *Provided*, That no person be permitted to subscribe for more than twenty shares on the first day, and not more than one hundred on the second day, 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 commissioners at the time of making the same, the sum of five dollars on each & every share, for the use of the company.

SECTION 54. When six thousand shares or more of the stock aforesaid shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands & seals, the names of the subscribers, and the number of shares subscribed by each, & the sums paid thereon, whereupon the Governor shall, by letters patent, under his hand & seal of the commonwealth, create and erect the subscribers, & if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic & corporate, in deed & in law, by the name, style & title of The Hamburg, Allentown, Bethlehem & Easton Railroad company, & by the same name the subscribers shall have

Who may subscribe.

Number of shares.

Proviso.

2d Proviso.

Letters patent.

Name, style and title.

Privileges and franchises. perpetual succession, & be able to sue & be sued, implead & be impleaded, in all courts of record & elsewhere, & to purchase, receive, have, hold & enjoy, to them and their successors, lands, tenements & hereditaments, goods, chattels, & real estate, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien, or dispose of, & to make dividends of such portion of the profits as they may deem proper, & also

Seal.

to make & have a common seal, & the same to alter or renew at pleasure, and also to ordain, establish & put in execution such by-laws, ordinances & regulations, as shall appear necessary & convenient for the government of the said corporation, *not being contrary to the constitution & laws of the United States or of this commonwealth, & generally to do all & singular the matters & things which to them it shall lawfully appertain to do for the well being of*

Proviso.

the said corporation, & the due management & ordering the affairs of the same: Provided, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises but such as may be necessary or incident to the making of the said railroad, & such cars, locomotives, fixtures & devices proper & convenient for facilitating traveling or transportation on the said railroad.

Organization.

SECTION 55. The said named commissioners, or any six 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 hereinbefore 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 votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained & bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president & nine managers, all of whom shall be residents of this commonwealth, a treasurer & secretary, & such other officers as shall be deemed necessary; that the president & managers aforesaid shall conduct the business of said company until like officers shall be chosen, & may make such by-laws, rules, orders & regulations as are not inconsistent with the constitution & laws of the United States or of this state, & that may be necessary for the well governing the affairs of the company.

Annual election.

SECTION 56. The stockholders shall meet on the first Monday in November, 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, by the secretary, in the newspapers before mentioned, & choose by a majority of votes present, their officers for the ensuing year, as mentioned in the fifty-fifth section of this act, who shall continue in office for one year, & until others are chosen, & 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 & repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders & regulations as aforesaid, & to do & perform every other corporate act, and the number of votes each stockholder shall be entitled to, 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 & 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, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely & bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right & for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, & not in trust for and to the use & benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the fifty-fourth section of this act: *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

SECTION 57. The election of officers provided for in the fifty-sixth 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 said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman, judge or justice of the peace, well and truly, and according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes and declare who

is elected, and 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 deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary 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, secretary 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; and in the case of death or resignation, or removal from the state of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

Meetings. SECTION 58. 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 five 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 power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers 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 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 and 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.

Certificates of stock. SECTION 59. The president and managers first chosen shall procure certificates 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 the 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 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 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 share assigned shall be entitled to one share of the capital stock, 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 balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 60. 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 one 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 forfeit 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, Proviso.* 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.

Penalty for neglecting to pay instalments.

SECTION 61. The president and managers of said company shall demand and require of and from the treasurer, and all and every officer and other person by them employed, bonds, 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 committed respectively.

SECTION 62. Dividends of so much of the profits of the institution as shall appear advisable to the president and

Dividends.

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 president and managers shall make any dividend which shall impair the capital stock of said institution, the president or 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 judged 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 fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock.

SECTION 63. 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.

SECTION 64. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark, and fix such route as they shall deem expedient for said railroad, beginning at the river Schuylkill, near Hamburg, passing to Kutztown in Berks county, to Allentown in Lehigh county, to Bethlehem in Northampton county, & terminating at the borough of Easton, on the Delaware river, having due regard to the situation and 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, and the said road shall not be more than three rods wide; 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

Abstract of
accounts to
be furnished
to the legis-
lature.

Tax on divi-
dends.

Route.

Map.

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 then be opened, and all expenses incurred thereby shall be defrayed by the said company: *Provided*, That the said railroad shall not pass through any burying ground or place of public worship.

SECTION 65. It shall be lawful for the president, managers and company of the said railroad company, and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for the purpose of searching for, and procuring stone and gravel for constructing said road, but no stone, sand or gravel shall be taken from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained, and the payment thereof secured to the satisfaction of the owner, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which said road may be laid.

SECTION 66. It shall & may be lawful for the company hereby incorporated, to make, erect or establish, a double or single track railroad on the route laid out as aforesaid, and the said company are also hereby empowered to erect, make and establish all works, edifices and devices, to such road, as may by the said company be deemed expedient, for the purpose of carrying into effect the objects 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, works, devices and edifices.

SECTION 67. Whenever it shall be necessary for the president or managers of the said railroad company, to enter 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 lands 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 said land, by such entry and occupation, it shall & may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, and who shall reside in the proper county where the land lies, & 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 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, at the costs and charges of the said corporation, to appoint six disinterested men of said county to view, examine, and survey the said lands, tenements or hereditament, 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 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 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 in other cases, 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 such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company, and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment, or tender of payment by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding as herein before prescribed.

Proviso.

2d Proviso.

Canals and public roads not to be obstructed.

SECTION 68. The said railroad shall be so constructed by the said company as not to obstruct or impede free use or passage of any canal, public road or roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out, & in all places where the said railroad may cross, or in any way interfere with any public road or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to

enable all persons passing or traveling such canal or public road, to cross and pass over or under the said railroad, which bridge & causeway or causeways, shall be made & maintained by the said company, & the sufficiency of the same Public shall be judged by the supervisor or supervisors of the proper causeways. township, & if the said company shall refuse or neglect to make such bridge, causeway or causeways, or when made to keep the same in repair, they shall be liable to pay a penalty of five dollars for every day the same shall be 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, & shall moreover be liable to an action or actions at the suit of any person who may be aggrieved thereby, & the service of process upon any officer or agent of said company, shall be as good & as available in law as if served upon the president thereof.

SECTION 69. For the accommodation of all persons owning or possessing land through which the said railroad may Private or shall pass, & to prevent inconveniencies to such persons in causeways. 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 & 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, & 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 said railroad may or shall pass, and the said causeway or causeways, when so made, shall be maintained & kept in repair by said company, & if 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 damages sustained by such person in consequence of such refusal or neglect, to be sued for & recovered before any magistrate, or any court having cognizance thereof, & the service of process upon any officer or agent of said company, shall be as good & available in law as if served upon the president thereof: 2d. *Proviso*. *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, or causeway or crossing place, over or under said railroad, in conformity with such as are usually made by said company.

Time when suits for penalties shall be commenced. SECTION 70. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suits or actions may plead the general issue, & give this act & the special matter in evidence, & that the same was done in pursuance & by authority of this act.

Lateral railroads. SECTION 71. The company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or adjacent thereto, making such lateral railroads, & 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.

Tolls. SECTION 72. On the completion of any part of the said road, 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 & commodities, under such regulations as shall be prescribed by the managers, & it shall and may be lawful for the said company to demand & receive such sum or sums of money for tolls, as they shall from time to time think reasonable: *Provided*, the same does not exceed on any species of property the sum of ten cents per mile per ton, & not more than four cents per mile upon passengers, & the legislature reserves the right to reduce & regulate the tolls hereby authorized, & the company shall & may prescribe the kinds of carriages, wagons, & conveyances, which shall be used on the railroad for the transportation of persons and commodities.

Penalty for injuring the work. SECTION 73. If any person or persons shall wilfully & knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice, car, engine or other device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit & pay to the said company the actual damages so sustained, to be sued for & recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name & for the use of said company, & shall be subject to indictment in any court of Quarter Sessions of the proper county, & upon conviction of such offence shall be punished by fine & imprisonment, at the discretion of the court.

Time for commencing and completing the work. SECTION 74. If the president and managers of said company shall not proceed to carry on said work within five years from the passage of this act, and shall not complete as aforesaid, in ten years, according to the true intent and

meaning of this act; or if after the completion of the aid railroad, or any part thereof, 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 said company, to make reparation for damages.

SECTION 75. If any owner or driver of any car, carriage, wagon or conveyance upon the said railroad, shall pass by any defrauding place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit any pay for every such offence, for the use of said company, the sum of twenty 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 the costs of suit. Penalty for the Comp'y.

SECTION 76. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, cars, engines and other devices, 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 said company shall not exceed two millions of dollars, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws. Capital stock may be increased.

SECTION 77. 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; the legislature also reserves the right to purchase the rights of said company, and the railroad, with its appurtenances, at any time after twenty 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. The legislature may resume the rights and privileges granted.

SECTION 78. If the said company in the construction of the said road, or in any other manner, by themselves, their agents or contractors, shall obstruct or impede the navigation of any navigable stream, the said company shall pay any damages which may be occasioned to any individual or individuals by such obstruction, or by so impeding the said navigation, which damages shall be recovered by the party aggrieved, by an action of trespass on the case. Damages for obstructing navigable streams.

SECTION 79. That John Forster, Henry Walters, Henry Antes, George W. Harris, John C. Bucher, Owen M'Cabe,

Railway
from North
street, Sus-
quehanna
t—p. to Mar-
ket street,
Harrisburg,
authorized
Proviso.

Henry M'Kinney, John Lyne, Andrew Miller, Frederick Kelker, Jacob M. Haldeman, and Michael Burke of the county of Dauphin, or any three of them, be, and they are hereby authorized and empowered to construct a railway, commencing at or near North street, in Susquehanna township, and intersecting the Harrisburg and Lancaster Railroad where it now terminates, at the south side of Market street, Harrisburg: *Provided*, That the aforesaid persons, or any three of them who act in said matter, first obtain the consent of the owners of any land upon which the said railroad may be located; and if they cannot obtain the consent of the owners and occupiers of said land, then the aforesaid persons, or any three of them who act in said matter, shall pursue the same course to obtain possession of the land for the location of said road that the Portsmouth and Lancaster Railroad company are required and directed to pursue by the act of ninth of June, eighteen hundred and thirty-two; that in the location, construction and maintaining the railroad hereby authorized, all such provisions of the act of the ninth of June, eighteen hundred and thirty-two, as aforesaid, as are applicable to the location, construction and maintenance of the railroad hereby authorized, be, and the same are hereby extended to the same, as fully and effectually as if they were herein enacted at length: *Provided*. They shall not at any time enter upon any lands for the purpose of commencing operations in the construction of the said road, or any part thereof, without having first obtained the consent of the owner or owners thereto, nor until the rate of compensation for injury sustained, or to be sustained, by reason of the construction of the said railroad, or any part thereof, shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained in the same manner as is prescribed and provided for in the seventy-ninth section of an act authorizing the Governor to incorporate the Strasburg Railroad, the Williamsport and Elmira Railroad, the Marietta & Columbia Railroad, the Portsmouth and Lancaster Railroad, and incorporating a company to make the Oxford Railroad: *Provided*, That the said company shall have authority to enter upon any lands for the purpose of exploring, examining, surveying and locating the route of the said railroad, doing thereto no unnecessary damage: *And provided further*, That if the Harrisburg and Sunbury Railroad company should be incorporated, and should proceed and construct a railroad from Harrisburg to Sunbury, that they, the aforesaid persons,

2d Proviso.

3d Proviso.

4th Proviso.

or any three of them who act in said matter, do transfer and set over to the said Harrisburg and Sunbury Railroad company, all their right, title and interest in and to the said road hereby authorized to be constructed by them, with the appurtenances, the said Harrisburg and Sunbury Railroad company paying to them the reasonable costs and expenses of making said railroad.

SECTION 80. That the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad company, shall have authority to create an additional number of shares of stock, to the amount of four hundred thousand dollars, for the purpose of completing said road, and of adding an additional track, and shall have authority to negotiate a loan or loans, by pledging their capital stock, or the tolls and profits of the company, or in such way or manner as a meeting of the stockholders shall determine.

SECTION 81. The period heretofore granted to the Mount Carbon Railroad company for the completion of their road, according to the twelfth section of the act incorporating said company, be, and the same is hereby extended until the first day of April, Anno Domini one thousand eight hundred and forty-eight, and that so much of the act aforesaid as is hereby altered, be, and the same is hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the seventeenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 34.

A Supplement

To the act entitled An act authorizing the Governor to incorporate a company for erecting a bridge over the Schuylkill river at Matson's ford, in the county of Montgomery, passed the seventh day of May, one thousand eight hundred and thirty-two, and for other purposes.

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 act to which this is a supplement, which authorizes the Governor to incorporate a company