

to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six. Not to receive annual appropriation.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 157.]

AN ACT

To incorporate the "Danville rail road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Peter Baldy, William Donaldson, Dr. William H. Magill, John C. Boyd, E. Trego, Thomas Chambers, George A. Frick, Jacob Hibler, John C. Grier, Valentine Best, and John Moore, are hereby appointed commissioners, and they or any three of them, are authorized to open books at such times and places and upon such notice as they may deem expedient, for the purpose of receiving subscriptions to the capital stock of the company hereinafter directed to be incorporated; to keep open the said books until such a subscription to said capital stock is subscribed as may be necessary to its incorporation: *Provided,* That the same are not kept open longer than twelve months from the time of their first being opened; and if any of the said commissioners shall resign, neglect to act, be absent, or become legally incapacitated to act during the continuance of the duties devolved upon them by this act, others may be appointed in their stead by a majority of the persons named in this act. Proviso.

SECTION 2. That the capital stock of said company shall be three hundred thousand dollars, in shares of fifty dollars each, and which said capital stock may be increased, if the exigencies of the company shall require it, by the said company, to any Capital stock. \$300,000.

sum not exceeding six hundred thousand dollars; and any incorporated company, city, or borough shall have authority to subscribe thereto, as fully as any individual, and such subscription and stock subscribed by any such incorporated body shall be represented at elections, and other acts of said company, by any president, mayor, chief officer thereof, or any agent duly authorized thereby, all which subscription may be required in instalments as the company may hereafter think proper.

When 500 shares are subscribed.

SECTION 3. That as soon as five hundred shares are subscribed to the capital stock of said company, a majority of the commissioners named in this act shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, and that five dollars has been paid on each share to the Governor of this commonwealth, and thereupon the Governor shall forthwith, by letters patent, under his hand and the seal of the commonwealth, erect and create the said subscribers, and such others as may thereafter subscribe to the capital stock of said company, and their assigns, into a body politic and corporate in deed and in law, by the name, style, and title of "the Danville rail road company;" and by that name the said subscribers shall have perpetual succession, and besides all the proper and necessary incidents of a corporation, shall be capable of suing and being sued, of impleading and being impleaded in all courts of record; of making, using, altering a common seal; of ordaining, establishing, and enforcing all ordinances, regulations, and by-laws necessary, convenient, or proper for the conducting and governing the said corporation, and generally to do all and singular the matters, and things lawfully appertaining to the due management and well ordering of the affairs thereof, and that said company shall have the power and right of purchasing, holding, selling, leasing, conveying, and encumbering by judgment, mortgage, or otherwise, all such estates real, personal, or mixed, as may be necessary and proper for the objects and purposes hereinafter set forth.

Letters patent to issue.

Name, style, and title.

Privileges and franchises.

Organization of company.

To elect officers.

SECTION 4. That a majority of the commissioners named in this act, and of such as shall have been substituted under the provisions thereof, shall, as soon as practicable after the reception of the letters patent from the Governor, give three or more weeks notice, in at least two of the newspapers in the county of Columbia, and such further notice as they may deem advisable, of a time and a place for the subscribers to the capital stock of said company to meet, and shall, at such time and place, proceed to hold an election by ballot, and appoint judges thereof, for the purpose of electing from the stockholders, a president and six managers for the management of the affairs of said company, a majority of whom shall be citizens of Columbia county, who shall continue in office until the day here-

inafter fixed for the annual election, and until other officers are elected under the provisions hereinafter set forth.

SECTION 5. That it shall be the duty of the president and managers, as speedily as convenient, and from time to time, to make, alter and amend such by-laws, as they may deem proper for the management and regulation of said company, which shall be and continue from thence in force, until altered or abrogated by the general meeting of the stockholders. To make by-laws.

SECTION 6. That there shall be a general meeting of the stockholders of said company held in the borough of Danville, on the first Monday of August of each and every year, for the purpose of electing a president and managers thereof, and of revising, altering or abrogating any of the by-laws of said company, and of examining the affairs of said company, an exposition of which shall then be submitted to them by the president and managers thereof; of which meeting at least three weeks notice shall be given, by publication in such newspapers as said president and managers shall deem best calculated to give full and effectual information. Annual meeting of stockholders. To elect officers. To alter and repeal by-laws. Notice.

SECTION 7. That on all occasions wherein a vote of the stockholders of said company is to be taken, the number of votes to which each stockholder shall be entitled shall be according to the number of shares he, she, or they 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, 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, such shares to be held by the person voting bona fide in his own right, or as a husband, executor, administrator, guardian, trustee, or assignee; and that corporations may vote by their chief or other officer or agent duly appointed: *Provided always*, That no share of stock shall be entitled to a right suffrage, which shall not have been held by the person offering to vote, at least thirty days before the day of election; that no share of stock shall confer a right to vote, on which any arrearages shall be due and unpaid at the time of election; and that in all cases where votes shall be given by proxy the proxies shall have been obtained and bear date within thirty days of the time of the election. Ratio of votes. Who may vote. Proviso. Proxies.

SECTION 8. That the Danville rail road company hereby directed to be incorporated, as soon as the letters patent shall issue, directed by this act, shall be and they are hereby invested with all the rights, powers, and privileges necessary for the construction and repair of a rail road from the borough of Danville or its vicinity, to some suitable point or points on the Danville Of the locat'n and construction of road.

and Pottsville rail road, and to connect with and join and intersect the same.

Authority to enter upon lands.

SECTION 9. That it shall be lawful for the said company, their officers, engineers, contractors, and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of said rail road or its branches, doing thereto no unnecessary damage, and when the route of said rail road or any of its branches shall be determined upon by the said company, it shall be lawful for said company, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use any such lands as may be necessary for carrying into effect the purposes of this act, and shall also have power to enter upon any lands adjoining or in the neighborhood of such route, and to take, dig, and carry away therefrom any stone, gravel, clay, sand, or earth necessary for the constructing, maintaining, and repairing said rail road and its branches, or for constructing any bridges, culverts, viaducts, and other buildings which may be required in carrying into effect the construction, maintaining, and repair of said rail road or any of its branches; for all which compensation shall be made to the owner or owners of any such lands and materials, as shall be agreed upon between the parties or as is hereinafter pointed out.

Damages and mode of ascertaining the same.

SECTION 10. Whenever it shall be necessary for the president and managers of the said rail road company, to enter in and upon and occupy, for the purpose of making said rail road, any land upon which the same may be located, if the owner or owners of said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to such lands, by such entry and occupation, in such case, it shall and may be lawful for the parties to appoint six suitable and disinterested persons, to estimate such damage, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and expenses incurred by the said appraisers shall be defrayed by the said rail road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if either party shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons of said county, to view, examine, and survey the said lands, tenements, or hereditaments, and estimate the injury or damage, if any in their apprehension will be sustained as aforesaid, by reason of said rail road, and report the same under

their oaths or affirmations to the said court, which report being confirmed by said court, judgment shall be entered thereon of the same force and effect as judgments upon common debts, and the said reviewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of said lands from the said rail road: *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 or inquiry and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, for injury sustained as aforesaid, they and all who acted under them shall be acquitted from all responsibility for and on account of such injury: *Provided*, That if the said company shall pay or tender the full amount of damages as awarded by said appraisers, or give good security on the same, to be approved of by the court of Common Pleas, of the county of Columbia, they shall have the right to enter upon and occupy and use said lands for the purposes aforesaid, being subject to the payment of any additional damages which may be hereafter adjudged against them.

SECTION 11. That the said rail road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public or private roads which they may find expedient to intersect, but it shall be the duty of said company to cause to be made sufficient bridges or causeways over any such roads so intersected, as soon as expedient, so as to enable all persons and vehicles to pass over the rail road with safety and convenience, and to maintain such causeways in good repair; and said company for the accommodation of all persons owning or possessing lands through which said rail road may pass, shall cause to be made good and sufficient bridges or causeways, at such convenient places as the owner or occupier may designate, so as to enable such owner or occupier and others, to pass over the same safely with wagons and other vehicles: *Provided always*, That the said company shall not be obliged to make more than one bridge or causeway, upon each plantation or lot of ground.

SECTION 12. That the said company shall permit at any time such bridges or causeways to be made across said rail road and its branches, at the intersection of any public or private road, as the reviewers laying out the same may deem expedient: *And provided*, The same are so made as not to impede or render inconvenient the passage of the cars and carriages upon said rail road, and the said rail road company shall also per-

Judgment of court.

Proviso. Right of appeal.

2d Proviso.

Not to obstruct public roads.

Causeways to be made.

Private causeways.

Proviso.

Across private roads.

Proviso.

mit any owner of lands through which the said rail road or its branches may pass, to erect such bridges or causeways, as the court of Quarter Sessions of the county of Columbia, may adjudge convenient upon views and reviews, conducted as required by the general road laws of this commonwealth: *And provided*, The same are so constructed as not to impede or render inconvenient the passage of cars and carriages upon such rail road.

2d Proviso.

Power to regulate and superintend travelling and transportation

SECTION 13. That as any portion of said rail road is perfected, the company shall have power to place thereon cars carriages or wagons, constructed as they may deem best adapted for the transportation of passengers and commodities to the advantage of the public, and shall permit individuals, to place such cars and carriages or wagons thereon, of such construction and under such limitations and restrictions, as they may deem proper; and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandize and commodities, at rates as follows, viz: On all goods, produce, merchandize, property, and commodities transported upon the said rail road and its branches, any sum not exceeding four cents, per mile, per ton, for toll, and three cents, per ton, per mile for transportation, and for the transportation of passengers, not exceeding three cents per mile for each passenger.

Rates of toll.

Penalty for injuring road.

SECTION 14. That any person or persons who shall wilfully and maliciously, by any means injure or destroy, any part of the rail road or its branches constructed by said company, or any of the works, buildings, vehicles, machines, implements or materials of said company, such person so offending, shall on conviction thereof, be punished by fine and imprisonment, at the discretion of the court of Quarter Sessions, of the county jail of said county of Columbia, for any term not exceeding three years.

Stockholders not to transfer stock or receive divid'ns when indebted to company.

SECTION 15. That no stockholder indebted to said company shall be authorized to transfer his stock, or any part thereof, or to receive any dividend or any portion thereof, until such debt is discharged or secured satisfactorily.

Penalty for neglect to pay instalments.

SECTION 16. That if after thirty days notice in the public papers, of the time and place appointed for the payment of any instalment of the said capital stock, any stockholder shall neglect to pay such instalment at the time and 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 legal interest thereon, from the time such instalment was required to be paid, and if such stockholder shall neglect the payment thereof for the space of ninety days, the said company shall have the right to declare the said stock, and all payments thereon forfeited to the company, and after such declaration of forfeiture, the said stock and payments shall be

vested in said company, to be by said company, sold for the use of said company, or disposed thereof as said company shall deem advisable: *Provided always*, That the said company shall have the power to use for and recover such instalment at their election. Proviso.

SECTION 17. That the president and managers of said company, shall annually, or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of said company, after deducting the current and probable contingent expenses, and they shall divide the same amongst the proprietors of the stock of said company, in proper proportions to their respective shares; that when the dividends exceed ten per cent per annum, the tolls shall be so reduced as to keep the per centage below that amount, and that an annual statement of accounts, under oath, shall be made to the legislature by the president or treasurer of the company: *Provided always*, That until the completion of the main line of the said rail road, the said president and managers shall have the power, if they deem it expedient, to apply the whole of the profits aforesaid, to the construction and completion of said road: *And provided also*, That no declaration of dividends shall be so made as to impair the capital stock of said company: *And provided further*, That whenever the dividends shall exceed six per cent per annum, the said company shall pay a tax of eight per cent, on all such dividends above six per cent, into the treasury of this state, for the use of the commonwealth. Dividends to be declared.
Over ten per cent. tolls to be reduced.
Annual statement to legislature.
Proviso.
2d Proviso.
Capital stock not to be impaired.
Tax on dividends.

SECTION 18. That the commissioners nominated in the first section of this act, shall have the power to manage and conduct the affairs of the company hereby incorporated, until the officers thereof shall be elected as directed in this act: *Provided*, That the said company shall not at any time, be directly, or indirectly engaged in any banking, or commercial, or manufacturing concerns. Power of commissioners.
Proviso.

SECTION 19. That if the president, managers and company, shall not proceed to carry on said works 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 road, 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 of commencement and completion

SECTION 20. That if the said company shall, at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said company: *Provided*, That the state may at any time after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the Misuse or abuse of privileges.
Proviso.
Right of state to purchase.

said corporation, at a just and reasonable valuation, or appraisement to be made in such manner as may at any time hereafter be provided for by law.

WM. HOPKINS,
Speaker of the House of Representatives.
EBEN'R. KINGSBURY,
Speaker of the Senate.

APPROVED—The sixteenth day of April, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 158.]

A SUPPLEMENT

To an act incorporating the borough of Doylestown, in the county of Bucks, passed the sixteenth of April, Anno Domini, eighteen hundred and thirty-eight, 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 corporate name, style and title of "the chief burgess, assistant burgess, and town council, of the borough of Doylestown, in the county of Bucks," as established by the act to which this is a supplement, is hereby changed to "the borough of Doylestown," by which name the corporation may sue and be sued, plead and be impleaded, have, hold, possess, exercise and enjoy all the rights, privileges and immunities which it possesses, holds, exercises and enjoys under the original corporate title; *Provided, however,* That such change shall not effect any contract or engagement heretofore entered into by or with said corporation.
- SECTION 2.** The election for chief burgess, assistant burgess, town council, and high constable of said borough shall hereafter be holden on the third Monday of April in each and every year, and if at any such election, any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges, in the presence of the inspector and clerks, immediately after counting off the votes. All meetings, appointments of officers, and other corporate business directed by the act to which this is a supplement, to be held and performed on the third Mon-
- Corporate name chang'd**
- Style.**
- Proviso.**
- Annual election.**
- Candidates having equal number of votes to determine by lot.**