

and required to pay Nathaniel Irwin, of Chester county, a soldier of the revolutionary war, or to his order, forty dollars as a gratuity and as full compensation for his revolutionary services. \$40 gratuity granted to N. Irwin.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Margaret Irwin, of Philadelphia county, or to her order, forty dollars as a gratuity and compensation for services performed by her late husband, captain James Irwin, in the revolutionary war. Same to M. Irwin.

FRED'K SMITH, *Speaker*  
of the House of Representatives.

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—the seventh day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.

— — — — —  
No. 189.

AN ACT

Authorising the Governor to incorporate the Wallenpaupack Improvement Company.

SECT. 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 Nathaniel B. Eldred, David Noble and Jeremiah Bennet, of Wayne county, James M. Porter and Evan Rees, of Northampton county, or any two 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 December next, procure a book or books, which shall be opened at such convenient place or places as a majority of the said commissioners shall determine, and therein enter as follows: "We whose names are hereunto subscribed, severally promise to pay to the Wallenpaupack improvement company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and 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 the commonwealth of Pennsylvania, entitled

Commissioners to open books.

Form of subscription.  
\$50 per share.

“An act authorising the Governor to incorporate the Wallenpaupack improvement company.” Witness our hands this            day of            in the year of our Lord one thousand eight hundred and thirty            ,” and shall thereupon give notice in one newspaper printed in the city of Philadelphia, and in each of the counties of Luzerne, Pike and Northampton, for three weeks at least, of the times when and the places where the said book or books shall be kept open to receive subscriptions for the stock of the said company, at which respective time and places one or more of the commissioners shall attend, and permit persons of lawful age who shall offer to subscribe in the said books, in their own name or in the name of any other person who shall authorise the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed four thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere; until the whole number of four thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his or any other name, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned: *Provided*, That if any one or more of the said commissioners shall die or refuse to act, the remaining commissioners may proceed to discharge the duties assigned to them in this act, unless by the causes aforesaid the number of said commissioners shall be reduced to less than three, in which case the Governor, on application to him made, is hereby authorised and required to appoint other persons as commissioners, to fill the vacancies occasioned as aforesaid, and any commissioner or commissioners so appointed shall perform like duties as those named in this act.

SECT. 2. *And be it further enacted by the authority aforesaid*. That when one thousand shares or more of the stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners or a majority of

Notice.

Who may subscribe.

Whole No. 4,000 shares.

Proviso.

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

2d proviso. If number of commissioners should be reduced below three, Governor to fill vacancies

When 1000 shares are taken and \$5

them, may certify to the Governor under their hands and seals, the names of the subscribers and the number of shares subscribed by each, whereupon the Governor shall by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe, to the number of shares as aforesaid, into a body politic and corporate in deed and in law, by the name, style and title of the "Wallenpaupack improvement company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper. if such enlargement shall be found necessary to fulfil the intentions of this act. and of purchasing, taking and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

paid on each, charter may issue.

Title.

Privileges, liabilities, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the aforesaid commissioners or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous 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 choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy duly authorised, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, one president and six managers, a secretary, treasurer, and such other officers as shall be deemed necessary, and the president and managers aforesaid shall conduct the business of the said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

20 days notice of first election and organization, &c.

President, 6 managers, secretary, treasurer, &c.

By-laws, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at

Annual election.

Special meetings. Powers, authorities, &c. Ratio of votes to shares. To have been held three months. Proviso. Transfers three months prior to election. Proxies. Manner of conducting elections.

least twenty days by the secretary, in such newspapers as the said president and managers shall direct, 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 or special meeting they shall have full power and authority to make, alter or repeal, by a majority of the 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 to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say, for each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide, in his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECT. 5. *And be it further enacted by the authority aforesaid*, That 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 or justice of the peace, well and truly and according to law to conduct such election; 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 has been elected, and if it shall at any time happen that an election of president, managers, treasurer, 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 and treasurer or other officer on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers and treasurer and other officers of the preceding year shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place: in case of the death, resignation or removal of any such president, manager, treasurer or other officer, his place shall be filled by the board of managers until the next annual election.

Neglect to elect not to dissolve.

Old officers to act.

Board to fill vacancies

SECT. 6. *And be it further enacted by the authority aforesaid,* That 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 four shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fully 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 moneys due (on) their respective shares, to draw orders on the treasurer for the same, which shall be signed by the (president) or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things as by this act and the by-laws and regulations of the company they are authorised to do.

President & managers.  
4 a quorum.

Duties.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for the share or shares by him subscribed and held, which certificates or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, who shall keep a book for that purpose, subject however to all payments due or to become

Certificates of stock.

Mode of transfer.

Rights of assignees.

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 certificate assigned to him as aforesaid, shall be entitled to the share or shares of the capital stock held by the person assigning the same, and of all the estate 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 such share or shares as the original subscribers would have been.

Penalty on neglect to pay instalments.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after twenty 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 twenty days after the time so appointed, every such stockholder or his assigns shall, in addition to the instalment so called for, pay at the rate of five per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such a space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the 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 said president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the said penalty: *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 twenty days previously to the said election or meeting.

Shares may be forfeited.

Proviso.

Delinquents not to vote.

Route of improvements.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said company to make a complete canal or slack water navigation or railroad, in whole or in part, as to them shall seem expedient, from the Delaware and Hudson canal, near the mouth of the Wallenpaupack, to the neighborhood of Cobb's Gap, and thence, if practicable and it shall be deemed advisable, to any coal beds on the western side of the Moosic or Lackawannock mountain, in the town-

ship of Blakely, in the county of Luzerne, with such dams, locks, sluices, inclined planes, engines, devices or other works, as shall be necessary, and to make use of the water of any creek or streams of water, on or near the intended route of the said improvement, for the purpose of supplying the same with water.

Right to make, erect, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the president, managers and company shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter upon any lands, in any part or place thereof which shall appear to them most convenient and be best adapted for the route of said canal, navigation or rail-road, and to cut, break and remove and take away all trees, rocks, stones, earth, gravel and sand or other materials, or any obstruction or impediment whatsoever, on the said route, and to use all such timber, rocks, stones, gravel and earth or other materials which may be found necessary in the prosecution of their works; and to form, make and erect and set up all such dams, locks, sluices and devices whatsoever, which they shall deem most fit and convenient to make a complete canal or slack water navigation, or a rail-road, from one end thereof to the other, or any part thereof; so as to admit a safe and easy passage for loaded boats, arks and every kind of vessel and craft up as well as down the canal, or of wagons and carriages up and down the said rail-road, and to make and use all such means by collateral sluices, locks and devices, as they may deem eligible and suitable for the said navigation, or to make a complete rail-road of iron, timber or other proper materials, in whole or in part, if it shall be deemed right to unite the two kind of improvements, as the said president and managers shall determine, either in the whole or in part of said distance, satisfying the owner or owners therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint six suitable and judicious persons within the proper county where the land lies; or if they cannot agree on such parties, then either of the parties may apply to the court of common pleas of the proper county where the land lies, and said (court) shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such lock, canal or sluice passing through his, her or their land, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment, for the sum awarded, with costs, to be assessed by the court; and it shall be the duty of

Right to locate and take materials where most convenient.

Settlement of damages.

6 appraisers.

Mode of appointment.

Report to be confirmed.

Appraisers to consider advantages of improvement.

Proviso.  
Right to appeal.

Right to enter upon contiguous lands for materials.

Damages settled under 10th section.

To receive tolls on every 3 miles as completed.

Rates of toll.

the jury or six appraisers, as the case may be, in valuing any land or estimating any damage, to take into consideration the advantages derived to the owner or owners of the premises, from the said navigation or rail-road passing through or near the lands of the complainant: *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.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the president, and managers, by and with their superintendents, engineers, artists, workmen, and laborers, with their tools, instruments, carts, wagons, and other carriages, and beasts of draft and burthen, may enter upon the lands contiguous and near to the said route or streams, giving notice to the owner or occupiers thereof, and from thence take and carry away any stone, sand, gravel, or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to the improvements thereon, and paying for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued as is provided in the foregoing section.

SECT. 12. *And be it further enacted by the authority aforesaid*, That as soon as the president, managers, and company, shall have perfected three miles on the said canal, navigation or rail road, and so from time to time as they shall perfect additional miles, they shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons to view and examine that part said to be completed, and to make report to him in writing whether the said navigation or rail-road is so far executed in a masterly, workmanlike manner, according to the true intent and meaning of this act, and when at any time their report shall be in the affirmative, then the Governor shall by license under his hand and the lesser seal of this commonwealth, permit the president, managers and company, or such person or persons as they shall from time to time appoint toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark, wagon, or other vessel upon the said navigation or rail-road, tolls, not exceeding the following rates, that is to say, on each ton of coal one and a half cents per mile; on each ton of salt, gypsum, lime, bricks, two cents per mile; on lumber, squared and round, per one hundred feet solid, two cents per mile; on boards, planks, or scantling, or other sawed stuff, reduced to inch stuff, two cents per one thousand feet per mile; on shingles, per thousand, one

cent per mile, on staves and heading for pipes and hogsheads, per mile, two cents per thousand; on staves and heading for barrels, and other vessels of less size, one cent per mile per thousand; on all other articles not enumerated, four cents per ton per mile; on all single and detached articles weighing less than a ton, it shall be lawful to charge and receive on the transports thereof, an advance of twenty per cent. on the rates as above established: *Provided*, That it shall be lawful for any company, individual, or individuals, to intersect said canal, navigation or rail-road at any point with a rail-road, or rail-roads: *Provided*, That the said canal, navigation or rail-road be not injured thereby.

Proviso.  
Connection  
with other  
improvements.  
Not to injure.

SECT. 13. *And be it further enacted by the authority aforesaid*, That in order to ascertain the size of rafts, arks, and the tonnage of boats, or wagons, using and passing the said canal or lock navigation, or rail-road, and to prevent disputes between supercargoes and collectors of tolls concerning the same, upon the request of the owners or supercargo of such boat, raft, or wagon, or the collector of the said tolls at any lock upon the said canal or navigation, or the collector of toll on any part of said rail-road, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said rafts, arks, or wagons, and the loading the boat, ark, or wagon is capable of carrying, or actually contains, and the said boat, ark, or wagon so measured, and the loading ascertained, shall be permitted to pass through the said canal and locks, or rail road, for the price per ton to which the number of tons so ascertained shall amount, agreeably to the rates fixed in the manner aforesaid, and if the owner or supercargo of any boat, raft, ark, or wagon shall decline choosing a person resident within the township where the said toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for the purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to the said measurement, before any such boat, ark, raft, or wagon shall be permitted to pass the place where such toll is made payable by the said president and managers.

Mode of fixing the size and tonnage of vehicles.

Two persons to be chosen, &c.

SECT. 14. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the master or commander of any boat, ark, or other vessel intending to pass through said canal, when they shall arrive within one fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice to let the said boat, ark, or other vessel pass without unnecessary delay, and in safety, and if any

Boatmen to notify lock keepers of approach.

Penalty on  
detention at  
locks.

boat, ark, or other vessel shall be prevented from passing up or down any of said locks or sluices, by reason of the lock not being raised for more than thirty minutes, the president, and managers, and company, shall on conviction thereof, before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of four dollars for every twenty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time.

Penalty for  
not keeping  
in repair and  
want of at-  
tention to  
road or canal

SECT. 15. *And be it further enacted by the authority aforesaid,* That if the president, managers, and company, neglect or refuse to keep in good order or repair, the said rail road or any part thereof, or lock or sluice of their own construction, or shall neglect to remove any obstacle that may occur, so that boats, arks, rafts, or other vessels, may at all times safely pass through the said canal, or wagons, carriages, or conveyances, along the said rail-road, the president, managers, and company, shall for each and every such offence, pay the sum of fifty dollars to be recoverable before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the township where the neglect may occur.

Public  
bridges,  
causeways,  
&c.

SECT. 16. *And be it (further) enacted by the authority aforesaid,* That the said canal, navigation or rail-road shall be so constructed as not to obstruct or impede the free use and passage of any public road or roads, whether they be the state turnpike or county roads, which may cross or enter the same, the same being now laid out, and in all places where the said canal, navigation, rail-road or roads may cross or interfere with any public road already laid out, it shall be the duty of the company to make or cause to be made a good and sufficient bridge, causeway or passage, to enable persons travelling such public road to cross or pass over or under the said canal, navigation or rail-way with safety.

Company to  
prescribe  
kind of cars.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the said company shall have a right to prescribe the kinds of wagons, carriages and conveyances that shall be used upon the rail-way or rail-ways, and to cause such as may be necessary to be erected, by and at the expense of the said company, and to transport therein any passengers or minerals or articles of produce, merchandise manufactured or otherwise, which may be required to be transported along the same, and to receive therefor such reasonable freight or fare as the said president and managers shall determine: *Provided,* That the said company shall not prevent any individual or individuals from transporting any passenger, merchandise, produce,

To transport  
passengers,  
produce, &c.

Proviso.  
Not to pre-  
vent individ-

or manufacture or other articles along the same, he or they using the prescribed carriages, wagons or conveyances, and paying the company tolls therefor, at the rates hereinbefore mentioned and provided.

uals from using road.

SECT. 18. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or any lock, gate, canal, engine, machine, or device thereunto belonging, or any part of the said rail-road, or any machinery or property of the company shall be injured or damaged, he, she or they so offending shall forfeit and pay to the said company fourfold the damages by them sustained, together with costs, to be recovered by action of debt, before an alderman or justice of the peace, or in any court of competent jurisdiction, or be liable to be prosecuted in the court of quarter sessions of the said county, for the same. as a misdemeanor, and upon conviction thereof be subject to a fine or imprisonment, at the discretion of the said court, and if any owner, shipper or supercargo of any boat or ark, craft or raft, or any owner or driver of any carriage, wagon or conveyance upon the said rail-road shall pass by any place appointed for receiving tolls, without making payment thereof, according to the provisions of this act, with intent to defraud the said president, managers and company, (shall forfeit and pay) the sum of ten dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Penalty on wilfully injuring property of company,

Liable to fine and imprisonment.

Penalty on attempt to defraud toll gatherers.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall demand and require of and from the treasurer, and all and every other the officers and other persons by them employed, bond in sufficient penalties and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Bonds and sureties of treasurer and other officers

SECT. 20. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall keep fair and just accounts of all moneys received by them from said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also (of) all moneys by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders at their annual meeting, and the agree-

President & managers to submit account of moneys received, &c. to annual meeting of stockholders

How capital stock may be increased.

gate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, or the said work from any casualty should be injured so as to require an increase of the capital stock, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscriptions, or shall be provided by their by-laws.

Dividends to be declared semi-annually.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all the moneys received by their several and respective collectors of tolls, and all other emoluments, and shall make and declare a dividend of the clear profits and income thereof, among all the stockholders, and all contingent costs and charges being first deducted, and shall on the first Monday in January and the first Monday in July every year, publish the half yearly dividends made of the clear profits, and time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly.

To commence in 5 years and complete in 10.

SECT. 22. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall not proceed to carry on the work within five years from the passage of this act, and shall not complete the same within ten years, according to the true intent and meaning of this act, then and in either of those cases all and singular the rights, liberties, privileges and franchises hereby granted to said company, shall revert to the commonwealth: *Provided always,* That in case of forfeiture or resumption by the legislature, of the rights, liberties, privileges and franchises hereby granted, nothing herein contained shall be construed to work a forfeiture of the rights of individuals to any land held by purchase or grant made by the president, managers and company, but the same shall be held by individuals in as full and ample a manner as they might do if no such forfeiture or resumption had taken place: *And provided also,* That if the said company shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the legislature may at any time thereafter resume all and singular the rights, privileges and franchises hereby granted to the said company.

Proviso.

Forfeiture of charter not to injure grants to individuals.

2d proviso.

Right to repeal.

SECT. 23. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted for any penalties incurred by this act, unless such suit or action be commenced within six months next after the offence shall have been committed, or the cause of action accrued, and the defendant or defendants may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits must commence within six months.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the said company shall not at any time be directly or indirectly engaged in any banking, manufacturing or commercial concerns: *Provided,* That nothing herein contained shall be (construed) to prohibit the said company from manufacturing or causing to be manufactured any machinery, engines or other articles or devices, in relation to the construction of the improvement hereby authorised, or any boats, vehicles, wagons, engines or other devices, to be used thereon by said company.

Not to engage in banking, manufacturing or commerce, except as to making cars, &c.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the said company be and they hereby are authorised to own and hold two hundred acres of land, for mining or other purposes, besides what may be occupied by the canal and rail-road to be by them made, and the ground that it may be necessary for the said company to purchase and occupy for toll houses and landings: *Provided,* said company shall not in their own right nor in trust nor otherwise, hold more than two hundred acres of coal land.

May hold 200 acres coal land.

FRED'K SMITH, *Speaker*  
*of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—the seventh day of April, A. D. one thousand eight hundred and thirty,

GEO. WOLF.

## No. 190.

### AN ACT

To incorporate the Lykens valley rail-road company, in Dauphin county.

SECT. 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 Henry Shriner, Henry Sheaffer, Simon Sallade, James Buchanan, Samuel Fance, Daniel N. L. Reutter,