

auctioneer to be appointed in the same manner, paying the same duties, and be liable to the same regulations and penalties, and the duties enjoined in the first section of this act upon justices of the peace in the county of Lancaster, are extended to the counties of Dauphin, Cumberland, York, Chester, Lycoming and Lebanon.

Suspension of  
operation in  
Lancaster  
until 7th  
June.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the provisions of this act shall, so far as concerns the city and county of Lancaster, not go into operation until the seventh day of June next.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The sixth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.



No. 85.

AN ACT

To authorize the Governor to incorporate the Norristown and Mount Carbon rail road 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 Benjamin Carpenter, John Miles, Peter Wager, Jacob Hayberger, Isaac Kooner, Thomas Sergeant, Edward R. Biddle, Samuel H. Davis, Peter Parker and Mark Richards, Esq. of the city and county of Philadelphia; Philip Boyer, Samuel D. Patterson and John Tod, of Montgomery county; Henry Dengler, Samuel Bartoles, John Wanner, John A. Bertolet and Jacob W. Miller, of Berks county; Jacob Krebs, Samuel Huntzinger, Andrew Russel and David Walker, Esq. of Schuylkill county; Thomas R. Fisher, Samuel Harvey, Benjamin Chew, jr. of the county of Philadelphia, 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 three books, one

Comm'rs. appointed to  
open books,  
&c.

of which shall be opened at the coffee house in Philadelphia, and one at the house of John Boyer, in Pottstown, Montgomery county, and at the house of John A. Bertolet, in Fredensburg, Berks county, and one at the house of Wm. Mortimore, in the borough of Pottsville, Schuylkill county, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Norristown and Mount Carbon rail road 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 this commonwealth, entitled 'An act to authorize the Governor to incorporate the Norristown and Mount Carbon rail road company.' Witness our hands, the day , one thousand eight hundred and thirty ;" and shall thereupon give notice in two newspapers printed in the county of Berks, in one newspaper printed in the county of Montgomery, in one newspaper printed in the city of Philadelphia, and in one newspaper printed in the county of Schuylkill, two 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 the said books in their own names, or in the names of any other person who shall authorize the same, for shares in the said stock; and the said books shall be kept open respectively, for the said purpose, at least six hours in every juridical day, for the space of three days, or until there shall have been subscribed twenty thousand shares; 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, and transfer the book or books elsewhere, until the whole number of twenty 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*, 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, after which any person may subscribe for any number of shares until the whole of the stock is taken: *And provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each and every share, for the use of the company.

Form of subscription.  
Shares \$50 each.

General duties of stock commiss'rs.

Whole no. of shares 20,000

Proviso.  
Stock subscription limited 1st and 2d days.

2d proviso.  
\$5 to be paid upon subscription of each share.

Charter may  
issue upon  
subscription  
of 6,000  
shares.

Corporate  
style.

Privileges  
& liabilities.

Seal.

By-laws, &c.

Proviso.  
Operations of  
com. confined  
to making &  
using road.

First meeting  
and organiza-  
tion of comp.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when six thousand shares or more, of the said stock shall be subscribed and the sum of five dollars paid on each and every share as aforesaid, the commissioners or a majority of them shall certify to the Governor, under oath or affirmation, the names of the subscribers and the number of shares subscribed by each, and the sum of five dollars on each share, paid at the time of subscribing; 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 aforesaid, into a body politic, and corporate, in deed and in law, by the name, style and title of "The Norristown and Mount Carbon rail road company," and by the same name, the subscribers shall have perpetual succession, with all the privileges, franchises, and immunities, incident to a corporation, and be able to sue and be sued, plead 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, chattles and all estate, real, personal and mixed, of what kind or quality soever, and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States, 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 privileges whatsoever, or any other liberties, privileges, or franchises, but such as may be necessary, or incident to the making and maintaining of the said rail road, and the conveyance of passengers, and the transportation of the mail, and of goods, merchandize and commodities thereon.

SECT. 3. *And be it further enacted by the authority aforesaid.* That the said named persons, 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 herein before mentioned, of the time and place by them appointed, for the subscribers to meet in order to organize the said company, to choose by a majority of 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 six managers, all of whom shall be residents of this commonwealth, a treasurer, secretary and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company, until the second Monday of January then next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

Election of  
pres. 6 ma-  
nagers, trea-  
surer, secre-  
tary, &c. pro-  
tem.

Proviso.  
None but  
stockholders  
eligible.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the second Monday of January, in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous, by the secretary, in the newspapers before mentioned, and choose, by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the by laws, at which annual or special meeting, they shall have full power and authority to make, alter, or repeal by a majority of the votes, in the manner aforesaid, all such by-laws, rules, orders, and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following: For every share not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; and for every five shares above ten, one vote; but no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society, of which he or she may be a member, and not in trust for, and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to 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 the twenty-eighth day of March, one thousand eight hundred

Of the annual  
elections.

Ratio of votes  
to shares  
held.

Proviso.  
Shares held  
by transfer  
and votes by  
proxy.

2d proviso.  
Delinquents  
not to vote.

and twenty, entitled "An act to regulate proxies:" *And provided also*, That no share shall be entitled to vote at any election, or at any general or special meeting of said company, on which any instalment or arrearages may have been due, and payable more than thirty days previously to said election or meeting.

Manner of  
conducting  
provisional  
election.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the election of officers provided for in the third section of this act, shall be conducted in the following manner, that is to say: the managers, for the time being, shall appoint two of the stockholders, not being managers, to be judges of the 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 to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of 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, secretary, or other officer, shall not be made, the corporation shall not, for that cause, be dissolved, but it shall be lawful to hold and make such election of president, managers, secretary, treasurer, or other officers, on any day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding the 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; in the case of death, resignation, or removal from the state, of president, managers, treasurer, or secretary, his place may be filled by the board of managers, until the next annual meeting.

Neglect or  
omission not  
to injure  
interests.

Vacancies,  
how filled

General du-  
ties and  
powers of the  
president and  
managers.

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, fairly entered in a book; and a quorum being formed, they shall be empowered and have 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 moneys, which shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary, and

generally to do all such other acts, matters and things, as by this act, and by the by-laws and regulations of the company, they are hereby authorized to do.

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

Of the certificates of stock.

To be transferable.

Mode of transfer.

SECT. 8. *And be it further enacted by the authority aforesaid,* That 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 two 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 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 penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due, and

Due payment of instalments enforced by penalties.

Forfeited shares to be sold.

Proviso. Delinquents debarred voting at elections.

payable more than thirty days previously to the said election or meeting.

SECT. 9. *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 may demand and require of and from all, and every other the officers and other persons by them employed, bond in sufficient penalties, and with such securities as the said company shall, by their rules, orders and regulations require, for a faithful discharge of the several duties and trusts to them respectively committed.

SECT. 10. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution as shall appear advisable to the 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 the nett profits actually acquired by the company so that the capital stock shall never be impaired thereby, if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable, in their individual capacities, to the said company, for the amount of the stock so divided, and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

SECT. 11. *And be it further enacted by the authority aforesaid,* That 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 a rail road, with as many sets of tracks as they may deem necessary, beginning at or near the borough of Norristown in Montgomery county, through Oley in Berks county, and terminating at Mount Carbon in Schuylkill county: *Provided,* That the said rail road shall not, except in deep cuts and fillings, or at points selected for depots or engine and water stations, exceed four rods in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house without the consent of the owner thereof.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said president and managers shall have power and authority by themselves, or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all land on which the said rail road or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh scales, or any other purpose necessary or useful in the construction and repairs of the said rail road, and therein to dig and embank,

Official bonds  
of treasurer,  
&c.

Semi-annual  
declaration  
of dividends.

Not to impair  
capital.

Liability of  
declaring  
managers.

Power to locate,  
&c.

Route.

Proviso.

Width, &c.

Right to enter upon and  
occupy lands.

make and construct the same, and the said company shall pay or satisfy the owner or owners of the ground so taken and occupied as aforesaid; 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 five suitable, judicious and disinterested persons of the counties of Berks, Montgomery, Schuylkill or Philadelphia, who shall be under oath or affirmation, and who shall reside within the counties of Berks, Montgomery, Schuylkill or Philadelphia, and if they cannot agree upon such persons, then either of the parties, after giving twenty days notice to the other, may apply to the court of Common Pleas of the county in which the land may lie, and the court shall award a *venire* directed to the sheriff to summon a jury of judicious and disinterested persons from the said counties, 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 the construction of said rail road through the same, which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail road, and all other inconveniences which may be likely to result therefrom to the said land, and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the owner or owners of the said land from the opening of the said rail road through the same, to make their assessment and report to the court, which report being confirmed by the said court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail road company: *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 provided also*, That if any person or persons owning land or any other property which shall be affected by this act, be *feme covert*s, under age, non compos mentis, or out of the state, then or in either of the cases, the president and managers of the company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail road through the said land, represent the same to the court of Common Pleas of the county where the lands lie, as the case may be, who shall proceed thereon in the same manner and to the same effect as directed by this act in other cases.

Mode of ascertaining damages.

Appointment of 5 viewers.

Their oaths, duties, &c.

Confirmation of report.

Proviso. Right of appeal.

2d proviso. Provision for land holders absent, *feme covert*s, &c.

SECT. 13. *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 car-

Agents of company authorized to take materials.

riages, and beasts of draught and burden, may enter upon the lands contiguous and near the said rail road, first giving notice to the owners or occupiers thereof, and from thence to take and carry away stone or gravel, sand 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 thereon, the amount whereof, if the parties do not agree, shall be assessed as herein before mentioned in the twelfth section of this act.

Company to construct causeways for public roads, &c.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the said rail road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same, in all cases where the said railway may cross or in any manner interfere with any existing public road, canal or slackwater navigation, the said company shall make, or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public roads, canals, or slackwater navigation, to cross and pass over said rail road; and if the company shall neglect or refuse to keep such causeway or causeways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors 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 all actions, at the suit of any person who may be aggrieved thereby.

Penalty on neglect. How recovered and appropriated. Liability for damages.

Causeways for individual landholders to be constructed.

SECT. 15. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing land through which the said rail road may pass, it shall be the duty of the said company 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 the same, with wagons, carts, and implements of husbandry, as occasion may require; and the said causeway or causeways, when so made, shall be maintained and kept in good repair by said company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided,* That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may pass, and where any public road shall cross

Penalty on neglect.

Damages.

Proviso. Where they may be dispensed with.

said rail road, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect and keep in repair, any causeway or bridge, for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequently to the passage of this act, that in such case the company shall be forever hereafter exonerated from the duty of keeping the said bridge or causeway in repair.

2d proviso.  
Rel. to public roads using private causeways.

SECT. 16. *And be it further enacted by the authority aforesaid*, That no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed, or the cause of action accrued; and the defendants, in any such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Actions for penalties must be commenced within 12 months from date of offence.

SECT. 17. *And be it further enacted by the authority aforesaid*, That in all suits or actions brought against the said company, the service of process on any manager, toll gatherer, or other officer of the company, shall be as good and available in law, as if made on the president thereof.

Process may be served upon any agent.

SECT. 18. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure, or destroy the rail road hereby authorized, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with full costs, before any tribunal having cognizance thereof, by action, in the name and for the use of the said company.

Persons doing wilful injury to property of co. liable for three times the damages.

SECT. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall, wilfully or maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent, any obstruction on the line of the rail road, so as to jeopard the safety and endanger the lives of persons travelling the same, such person or persons so offending shall be deemed to be guilty of a misdemeanor, and shall be adjudged on conviction to be imprisoned in the eastern penitentiary of Pennsylvania, for a term not more than two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Wilfully obstructing road declared a misdemeanor.

Proviso.

SECT. 20. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations, for the due ordering of all travelling and

Prest. & managers to regulate traveling and transportation on road.

transportation on the said road, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations, as they may deem expedient: And that they shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons to be used on the said road, for the conveyance of passengers and the transportation of the mails, or of goods, wares, merchandize and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof as they may deem expedient: *Provided*, That the toll on any species of property shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile.

Proviso.  
Rates of toll.

Annual statement to stockholders. Mode of calling special meetings.

SECT. 21. *And be it further enacted by the authority aforesaid*, That at each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the president and managers, or by the president at the request of stockholders holding one-fourth the amount of the capital stock, in like notice as that required for annual meetings, specifying moreover the object of the meeting, but no business shall be transacted at such meetings, except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend in person or by proxy.

Com. allowed 3 years to commence, and 7 to complete road, &c.

SECT. 22. *And be it further enacted by the authority aforesaid*, That if the president and managers and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within seven years as aforesaid, according to the true intent and meaning of this act, or if after the completion of the said road the said company 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 the said company to make reparation for damages.

Of the increase of the capital stock.

SECT. 23. *And be it further enacted by the authority aforesaid*, That if any increase of the capital stock shall be deemed necessary by the stockholders to improve or complete the said road, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares so that the capital of the said company shall not exceed two millions of dollars, 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 subscription or as shall be provided for by their by-laws.

SECT. 24. *And be it further enacted by the authority aforesaid*, That at the end of the third year after the charter shall

be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in and the debts of the said company, the amounts received for tolls and transportation, and rates charged, and the amount or dividends declared, and when such dividends shall exceed twelve per cent. per annum, then one half of the surplus exceeding twelve per cent. to be paid into the state treasury for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company.

After 3 years annual statement to be made to Legislature.  
Half of dividends over 12 per cent to go to education fund.

SECT. 25. *And be it further enacted by the authority aforesaid,* 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 corporation.

Reservation of right to revoke charter.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The sixth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 86.

AN ACT

Authorizing the Governor to subscribe stock in the Codorus Navigation 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 the Governor is hereby authorized and required to subscribe two hundred shares of stock, at fifty dollars each, on behalf of this Commonwealth, to the Codorus Navigation company, in the county of York, and he is hereby authorized and required to draw his warrant on the State

Governor authorized to subscribe 200 shares at \$50