

Security to  
Orphans  
court for  
faithful appli-  
cation of pro-  
ceeds of sale.

Union county shall direct, conditioned for the faithful application agreeably to law, and the accounting for the same to his ward, when he arrives at age, of the balance of the distributive share of said minor, after paying to the other heirs of George Derr, deceased, their respective shares, agreeably to the adjudication of the Orphans' Court, which share shall be paid by the said John Derr and Hugh M'Glaughlin, in such equitable proportion as the said court may direct.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

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

GEO. WOLF:



## No. 130.

### AN ACT

Relative to the West Chester rail road company, the Mount Carbon rail road company, the Little Schuylkill, navigation rail road and coal company, and the Danville and Pottsville 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 it shall and may be lawful for the West Chester rail road company to make and construct, or cause to be made and constructed, a branch or lateral rail road of one or more tracks, commencing at the point deemed most eligible on the West Chester rail road, and connecting with the Philadelphia and Columbia rail road at such place as may be found most suitable and expedient, east of the eastern branch of the Brandywine creek, in the county of Chester.

West Chester  
co. authorized  
to make a  
branch road.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That the said company may increase their capital stock to three thousand shares, and may charge the same tolls on the said branch or lateral rail road, as are authorized by the act to which this is a supplement.

Authority to  
increase  
capital, &c.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That if any stockholder shall neglect or refuse to pay any instalment due by him on his stock, for the space of sixty days after the time appointed for payment thereof, he shall,

Penalty on  
delay to pay  
instalments.

in addition to the sum so called for and due, pay to the said company at the rate of one per cent. per month for every such delay; and if the sum so due, together with the said penalty be not paid within three months after the expiration of the said sixty days, the stock of the said delinquent on which such instalment and penalties may be due, shall be forfeited for the use of the company, or at their option, suit may be brought against such delinquent for the recovery of the said instalment and penalty, in the same manner as debts of like amount are recoverable.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in locating, constructing and maintaining the said branch or lateral rail road, all such provisions of the act to which this is a supplement as are applicable, be, and the same are hereby extended to the said branch or lateral rail road, as fully as if they were herein enacted at length.

Provisions of original law extended to the construction of branch.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said company shall have full power to purchase with the corporate funds, all cars, wagons, carriages, machines, engines and teams of any kind whatsoever, which they may deem necessary and proper for the purposes of transportation, and may transport all goods, wares, merchandize, minerals, and other property which may be offered them for transportation, and all passengers wishing to be conveyed on their said rail road or rail roads, or on any other connected therewith, and the said company may charge for tolls and freight on all articles and on all persons so conveyed by them, their officers or agents, not exceeding twice the rates allowed for tolls alone in the act to which this is a supplement.

Company authorized to transport passengers and freight.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not construct the said branch or lateral rail road within ten years after the completion of the Philadelphia and Columbia rail road, or if after the construction thereof, the said company shall suffer the same to go to decay, and be impassable for the space of two years, then this charter, so far as relates to said branch or lateral road, shall become null and void, except so far as it compels said company to make reparation for damages.

Time fixed for completion of branch, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person or persons shall break, injure, or destroy the said rail road or rail roads, or any part thereof, or any work, edifice, or device, or any part thereof, erected by the said company, in pursuance of this act, or the act to which this is a supplement, or shall in any manner obstruct the free passage along the said rail road or rail roads, he, she, or they shall forfeit and pay three times the amount of the damage thereby actually sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of trespass in the name of the company, and shall also be subject to indictment in the court of Quar-

Persons doing wilful injury to works of co. or obstructing road, liable to penalty and indictment.

ter Sessions of the proper county, and upon conviction of such offence may be punished by fine and imprisonment at the discretion of the court.

Penalty on using road except with cars.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any person shall ride on horseback along the said rail road or rail roads, or on the embankments or excavations thereof, or drive any vehicle, (except a rail road car on the rails,) with horses, oxen, or other team, or shall drive any horses, cattle, sheep, hogs, or other animal or animals, along the same; without permission first had and obtained from the said company, or shall place any wood, stone, iron, or other material on the said rail road or rail roads, whereby the free passage of cars along the same may be impeded, or the safety of the drivers or passengers jeopardized, he, she, or they shall forfeit and pay a sum not less than two dollars, and not exceeding five dollars for each and every such offence, to be recovered before any justice of the peace or alderman, with costs of suit by action of debt, in the name of the company.

Appropriation of forfeitures and penalties.

SECT. 9. *And be it further enacted by the authority aforesaid,* That whenever any of the forfeitures or penalties mentioned in the seventh and eighth sections of an act authorizing the Governor to incorporate the West Chester rail road company, shall be recovered, one half thereof shall be paid to the person giving information of the offence, and the other half thereof to the said company; and in all prosecutions for such offences or penalties, the person giving the information shall be a competent witness.

Repealing clause.

SECT. 10. *And be it further enacted by the authority aforesaid,* That so much of this act to which this is a supplement as is hereby altered, is hereby repealed.

Mt. Carbon rail-road co. Time for completion extended.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the period heretofore granted to the Mount Carbon rail road company for the completion of their road, according to the twelfth section of the act to which this is a supplement, be, and the same is hereby extended until the first day of April, one thousand eight hundred and thirty-eight.

Little Schuylkill Navi. and Rail Road co. Time extended.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the period heretofore granted to the Little Schuylkill navigation, rail road and coal company, for the completion of the rail road to the foot of the Broad mountain, and to Reading, be, and the same is hereby extended until the first day of April, one thousand eight hundred and thirty-eight.

Repealing clause.

SECT. 13. *And be it further enacted by the authority aforesaid,* That so much of the acts incorporating the Mount Carbon rail road company, the Little Schuylkill navigation, rail road and coal company, or the several supplements thereto as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the president and managers of the Danville and Pottsville rail road company shall have power for the purpose of conducting water from any contiguous streams to their necessary engine and water stations, to enter on and occupy, not exceeding one rood in width, of any adjacent lands through which it may be necessary to conduct the water they may require; and that the said president and managers be also authorized to enter on and occupy, not exceeding two acres of land at any one point, where they may deem it necessary to erect engine houses, stables, shops, reservoirs, or other necessary buildings, and if the said president and managers and the owner of the land cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, the same shall be assessed under the provisions of the sixteenth section of the act incorporating the said company: *Provided,* That the same shall not interfere with any coal mine, lateral rail road, dwelling house, or other improvements now opening, constructing, or completed.

Danville and Pottsville rail-road co. Authority to enter upon lands to conduct water, erect engine houses, &c.

Assessment of damages.

Proviso.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if the owner of any land which may be entered on and occupied under the first section of this act, or for the purpose of constructing any portion of the Danville and Pottsville rail road, or for procuring materials for the same, shall oppose said entry and occupation, the construction of the rail road, or of the necessary buildings and devices of the company shall not be delayed thereby, but the same may progress during the pendency of any proceedings, under the sixteenth section of the act incorporating the said company, for ascertaining the same.

Individual opposition not to delay operations of co.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the time for commencing the Fishing creek rail road, the Roush creek rail-road, the Swatara and Good Spring creek rail-road, and the Little Schuylkill and Susquehanna rail road, be, and the same is hereby extended for the term of three years from the date hereof, and the time for completing said rail roads be, and is hereby extended for the term of six years from and after the date of this act.

Fishing creek, Roush creek, Swatara, Spring creek Little Schuylkill and Susquehanna rail-roads. Time extend-ed.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

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

GEO. WOLF.