

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said "The Odd Fellows' hall association of the Northern Liberties," whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 224.

A FURTHER SUPPLEMENT

To an act to incorporate the Pennsylvania railroad company, passed April thirtieth, one thousand eight hundred and forty-six.

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 under the provisions of the first section of the act, entitled "An Act to incorporate the Pennsylvania railroad company," approved the thirtieth day of April, one thousand eight hundred and forty-six, it shall be competent to the county of Allegheny, the cities of Pittsburg and Allegheny, and the municipal corporations in the county of Philadelphia, and the said act shall be construed to have authorized the city of Philadelphia to subscribe for shares in the capital stock of said Pennsylvania railroad company, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to said corporations; and no certificate or bond issued shall be for a less sum than one hundred dollars, and shall be transferable only on the books of the respective corporations kept for that purpose; and the certificates of loan or bonds issued, or to be issued, by any such corporations for the purpose aforesaid, bearing an interest of six per centum per annum, payable half yearly, may be received as cash by the company named in said act, in payment of the instalments on shares subscribed by such corporation; but the total amount of the shares in the capital stock aforesaid, subscribed for by any such corporation, shall not exceed five per cent. on the assessed value of the property subject to taxation for state or county purposes, within the limits of such corporation: *Provided,* That any city or other municipal corporation, or the county of Allegheny aforesaid, may be represented at elections and at other meetings of the said company, by agents duly authorized by the commissioners of said counties, and by the mayor or chief officers of said cities, or other municipal corporations, acting under resolutions passed by the consti-

Allegheny county cities of Pittsburg and Allegheny, and municipal corporations of Philadelphia county and Philadelphia city, made competent to subscribe for stock.

Authorized to borrow money.

Amount of such subscription.

Proviso.

- Proviso.** tuted authorities thereof: *Provided also*, That any county, city or municipal corporation, that shall be possessed of ten thousand or more shares in the capital stock of said company, shall in lieu of voting at the general elections of said company hereafter, be entitled by the constituted authorities thereof, to elect one director out of the number designated in the act to which this is a supplement, within one month prior to the first Monday in December, for each and every ten thousand shares held by said corporation; but no county or corporation shall be entitled to elect more than three directors, and a majority of the board of directors shall, at all times, be elected by the private stockholders; if at any time the corporations who have subscribed to the stock, shall be entitled, under this provision, to more than six directors, then the number of directors to which such corporation (as elect more than one director) is entitled to, shall be reduced in such manner as shall be determined upon by the directors in office, so as to do justice to all:
- Corporations may elect a manager.**
- Proviso.** *Provided further*, That all directors elected by said corporations shall be possessed of not less than twenty shares of the stock of said company, in their own right, and shall not be members of the body by which they are elected: *Provided further*, That the tax on tonnage of five mills per ton per mile, from the tenth of March to the first of December, payable to the state treasury under the provisions of the twenty-second section of the act to which this is a supplement, be commuted to a tax of three mills per ton per mile during the whole year; and if, after two years from the completion of the road, the commutation to three mills herein provided shall not yield as much revenue to the commonwealth as would have been received under the original provision, then the rate of five mills, as originally provided for, may be restored at the option of the legislature; said tax to cover all freight carried over the road more than twenty miles.
- Proviso.**
- Railroad company to pay interest semi-annually.**
- SECTION 2.** That the directors of the Pennsylvania railroad company be and are hereby authorized to pay to the share holders, entitled to receive the same, in the months of May and November, in each year, interest at the rate of six per cent. per annum, on all instalments paid by them, which interest shall be charged to the cost of construction, and continue to pay the same until the said road shall be completed; and that, until the period for which a dividend shall be declared, all the profits and earnings of the said railroad shall be credited to the cost of construction: *Provided*, That no stockholder who has neglected, or who hereafter shall neglect, to pay up the instalments as called for, shall be entitled to receive interest on the same; and the directors of said railroad company are hereby required strictly to enforce the penalty which is provided in the case of delinquencies under the act to which this is a supplement; and the provisos to the tenth section be and the same are hereby repealed: *Provided further*, That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized.
- Proviso.**
- Certain powers extended.**
- Proviso.**
- Damages, how to be assessed.**
- SECTION 3.** That so much of the eleventh section of said act, as prohibits the Pennsylvania railroad company from passing through any dwelling house, shall be construed only to extend to homesteads in possession and occupancy of the owner or owners, and shall not extend to dwellings kept for rent: *Provided*, That full compensation be made to the owner or owners of such buildings, for all damage sustained thereby, the same to be ascertained as in other cases.
- SECTION 4.** That when the Pennsylvania railroad company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done, or likely to be done to, or sustained by any such owner or owners of such lands or materials which

said company may enter upon, use, or take away in pursuance of the authority given them, by the act to which this is a supplement, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of common pleas of the proper county, on application thereto, by petition, either by said company or owner or owners, or any one in behalf of either, shall appoint five disinterested persons of the next adjoining county or counties, none of whom shall be residents of any of the counties through which said railroad shall pass, and to fix a time, not less than twenty, or more than thirty days thereafter, for said viewers to meet upon the premises where the damages are alledged to be sustained, of which time and place ten days' notice shall be given by the party petitioning to said viewers, and to the other party, and the said viewers having been first sworn or affirmed by some power, competent to administer oaths, faithfully, justly and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be taken and occupied, or the materials so used or taken away, or to be used or taken away, as the case may be, and having a due regard to, and making just allowances for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands or materials, in consequence of the opening or making of said railroad, or the construction of works connected therewith; and after having made a fair and just comparison of said advantages or disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been sustained or may be sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded, and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon as in other cases of debt for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company; and the said viewers shall be entitled to two dollars per day for each of them, for the time necessarily employed in performing the duties hereinbefore prescribed: *Provided*, That nothing herein contained, Proviso. shall authorize the said company to enter upon any lands, or taken any property without making compensation to the owners of said property, or give adequate security therefor: *And provided*, That if either, or all Proviso. of the judges of the court of common pleas aforesaid, is or are interested in the said railroad as officers, stockholders, contractors or otherwise, then the viewers aforesaid shall be selected and appointed by the sheriff and commissioners of the proper county, in like manner and with like powers, as if appointed by the court of common pleas: *Provided further*, That if the proper officer of said company, at any time before application made by either party for the appointment of viewers, in the manner hereinbefore directed, shall tender to the owner or owners of said lands or materials a sum of money, in full compensation for his or their said damages, said company shall not be liable for costs on any subsequent proceedings, unless such owner or owners of land or materials shall be awarded a larger sum than the previous tender of said company: *Provided*, That in all cases where proceedings have Proviso. been instituted under the twelfth section of the act of the thirteenth April, one thousand eight hundred and forty six, the same shall be continued and proceeded in according to the provisions of the aforesaid act.

SECTION 5. That if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall Crossing or occupying turnpikes or roads.

cause the same to be re-constructed forthwith, at their own proper expense, on the most favorable location, and in as perfect a manner as the original road: *Provided*, That the damages incurred in changing the location of any road authorized by this section, shall be ascertained and paid by said company, in the same manner as is provided for in regard to the location and construction of their own road.

Construction of
part of former
act.

SECTION 6. That the first proviso contained in the eleventh section of the act to which this is a supplement, shall be so construed as to extend exclusively to such tonnage as shall have, under the twenty-second section of said act, become liable to taxation on its transit over the Pennsylvania railroad, and that said road, referred to in said proviso, shall terminate at or near the city of Pittsburgh.

To connect with
Allegheny Por-
tage railroad.

SECTION 7. That the said Pennsylvania railroad company be and are hereby authorized to connect their railroad with the Allegheny Portage railroad, by the most practicable route, at such points at or near Hollidaysburg and Johnstown, as may be agreed upon with the canal commissioners.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 225.

AN ACT

To confirm the title of the General Greene beneficial society, of the city and county of Philadelphia, to certain ground rents.

Preamble.

WHEREAS, George G. Williams and wife, by several indentures, bearing date, respectively, the twenty-sixth of September, one thousand eight hundred and forty-six, and twentieth of April, one thousand eight hundred and forty six, one of them recorded at Philadelphia, in deed book A, number 31, page 187, the other intended to be recorded in and by one of them granted and assigned unto the said General Greene beneficial society of the city and county of Philadelphia, and to their successors and assigns forever, all that certain yearly ground rent, or sum of forty dollars, lawful silver money of the United States of America, chargeable in and issuing and payable in half yearly payments forever, without deduction for taxes, out of a certain lot or piece of ground, situate on the south-east side of Otter street, at the distance of one hundred and twenty feet south-westward from Frankford road, in Kensington, in the county of Philadelphia, and in and by the other of them granted and assigned unto the said General Greene beneficial society of the city and county of Philadelphia; and to their successors and assigns,