

An Act to authorize the New Castle and Frenchtown Turnpike Company, heretofore incorporated by the name of the President Managers and Company of the New Castle and Frenchtown Turnpike to make a Rail road from the place called and known by the name of Clarks Corner in the County of Newcastle in this State as far as the Maryland line, in a direction towards French town on Elk River.

Whereas the General Assembly of Maryland by an act passed the _____ day of December in the year of our Lord one thousand eight hundred and twenty ~~eight~~^{seven} entitled an Act to authorize the New Castle and Frenchtown Turnpike Company to make a Rail road from Frenchtown on Elk River to the Delaware line in a direction towards Newcastle did by the ninth Section of the same Act, enact, that the same Act should not take effect until the Legislature of Delaware pass an Act similar in all its provisions to the aforesaid Act.

And Whereas it is expedient, that this General Assembly enact a law similar in its provisions with the said Act of the General Assembly ^{of Maryland} to make a Rail Road from the ^{place} called Clarks Corner to the Maryland line where it is intersected by the said Turnpike Road.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the President and Managers of the Company Incorporated by the name style and title of the President Managers and Company of the New Castle and Frenchtown Turnpike

Company or a majority of them, be and they are hereby authorized and required to call a meeting of the Stockholders of the said Company at such time and place as they may deem convenient, after giving at least three weeks notice of such time and place and the object of the meeting in one Newspaper published in Cecil County State of Maryland one in the City of Baltimore and one in the State of Delaware; at which meeting, the holders of the major part in amount of the Stock of the said Company attending in person or by proxy shall be competent to decide whether or not the Capital Stock of the said Company shall be increased for the purpose of locating and constructing a Rail Road from the ^{south} place called Clarks Corner, towards Frenchtown to the Maryland line where it is intersected by the said Turnpike road, in the manner and on the terms provided by this Act; and if at such meeting it shall be decided to increase the Stock for the purpose aforesaid the said President and Managers shall provide for opening a Book to receive subscriptions for such increase to the Capital Stock of the said Company in shares of twenty five dollars each at such time and place and on such notice and terms of payment as a majority of the said President and Managers shall deem proper; and the said Book shall be continued open until so many shares shall be subscribed as shall amount to five hundred Thousands dollars, or such smaller sum as shall be sufficient to complete the Road hereby authorized; and on such amount being subscribed, the said President and Managers may proceed to a

require and enforce the payment of the Stock so subscribed, agreeably to the terms of subscription, in the manner authorized by the original Act of incorporation passed at Dover the twenty fourth day of January in the year of our Lords One thousand eight hundred and nine, the seventh section whereof is hereby revised and re-enacted and made a part of this Act for that purpose; and after the payment of Five dollars per Share on the Stock so subscribed, each subscriber shall be entitled to the rights and privileges of a Stockholder of the said Company and to vote at elections, and other meetings of the Stockholders on complying from time to time with the terms of payment as required by the President and Managers.

Section 2. And be it enacted, That when ^{the} said amount of increased Stock shall be subscribed and Five dollars per Share paid thereon as above provided the Corporate name of the said Company shall be and the same is hereby changed and altered to the "New Castle and French-town Turnpike and Rail Road Company" and by that new Corporate name the holders of the original as well as of the increased Stock are hereby incorporated and shall possess all the rights and privileges of a Corporation, and be entitled to all the property, rights and privileges and to exercise all the powers granted to and vested in the President, Managers and Company and Corporation herein first above mentioned by the Charter aforesaid or by any other law of this State, and all powers granted by the Act, and the said Corporation by the said new name shall be

seize and possess of and entitled to all the property effects and claims of the said aforesaid Corporation and, may hold and dispose thereof, and may sue and be sued and may make and use a corporate or common seal and the same may break or alter and renew, and ~~may~~ do all other acts which corporate Bodies may lawfully do, and shall be answerable and bound for all existing contracts and claims whatsoever, in the same manner as if the said corporate name had not been changed.

Section 3. And be it enacted, That the said President and Managers within Thirty days after the increase of stock shall be subscribed and five dollars paid on each share thereof, shall appoint a day and place of which three weeks notice shall be given as aforesaid, for the Stockholders in the said New Castle and Frenchtown Turnpike and Rail Road Company to meet for the purpose of choosing seven of the Stockholders as Directors to manage the affairs of the said Company of which election the said President and Managers or any three or two of them shall be ~~the~~ Judges, and at such election, and at all future elections by and meetings of the said Stockholders in said Company each share of Stock shall entitle the Holder to one vote. Provided however that no person shall have more than twenty five votes at any election or in determining any question arising at such or any other meeting, whatever number of shares such person may be entitled to. And the Directors elected at such meeting, and their Successors to be elected annually by the Stockholders as aforesaid

or a majority of them shall have power, and they are hereby authorized to elect a President, who may or may not be a Stockholder, and appoint and employ all such other officers, Agents, Servants, Labourers and other persons as they shall deem necessary in the exercise of the power, and performance of the duties hereby vested in and required of them, and fix the salary or other compensation to be paid or allowed to every person so elected, appointed or employed, and in their discretion to remove or dismiss all or any of the said persons, to make all contracts and agreements necessary for the performance of any work, or purchase of any article which they deem advisable, to fix the time and place, and direct notice of the annual election of Directors and other meetings of the Stockholders, and the same from time to time to change, to appoint Judges of all Elections, to fill up all vacancies which shall occur in their own Body, and to pass such By-laws as shall be necessary for the full and beneficial exercise of all the powers which are or shall be vested in them, and such By-laws from time to time to alter and repeal, Provided that such By-laws shall not be contrary to the Laws of this State or of the United States.

Section 4. And be it enacted, that the Directors aforesaid when elected shall be vested with full power to locate and construct a Rail Road from the place called Clark's Corner aforesaid, towards Frenchtown, to

the Maryland line where it is intersected by the said turnpike Road, with as many tracks as they shall think necessary either on the bed of the Turnpike Road authorized to be laid out by the original Charter above mentioned, or varying therefrom in whole or in part as the more beneficial & convenient construction of the said Rail Road may require; and whenever it shall be necessary to locate any part of said Rail Road over or on any other ground, than the bed of the said Turnpike Road, the said Directors may either obtain the right to make such location by contract with the owner of such ground or in the manner authorized by the existing acts of Incorporation of the said Turnpike Company, and in locating and constructing the said Rail Road and preserving, repairing and protecting the same from injury the said Directors shall be entitled to exercise all the powers and authority vested by the aforesaid acts of Incorporation in the President, Managers and Company, in the said Acts mentioned so far as they are not inconsistent with the provisions of this act.

Section 5. And be it enacted, that it shall be the duty of the said Newbottle and Frenchtown Turnpike & Rail Road Company to keep open and in good repair at least thirty feet in breadth of the Turnpike Road aforesaid from Blacks Corner to Frenchtown subject to the same penalties for neglect and entitled to the same tolls prescribed and allowed by the Acts of Assembly,

heretofore mentioned! And whenever in the construction of the Rail Road authorized by this Act, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the Directors of the said Company, so to construct the said Rail Road across such established Road or way as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any Individual it shall also be the duty of the said Directors to provide for such Individual proper waggon across said Rail Road, and if any Road shall be hereafter authorized by the Legislature or Courts of this State the direction of which shall lead across the Rail Road hereby authorized it shall be the duty of the Company in this Act mentioned so to construct or alter that part of the Rail Road, as shall permit the passage of any Road hereafter to be allowed by the Legislature or Courts of this State at the expence of the County or person opening the same.

Section 6. And be it enacted, That the said Directors may procure and use on any Rail Road which shall be constructed by them in virtue of this Act all Machines, Waggons, Carriages and other vehicles which they may deem proper or necessary for the purposes of transportation on said ~~Road~~ Road, and they shall have power to charge and receive as Tolls for using the said Road not exceeding three Cents per ton per mile, for the transportation of passengers, not

more than Twenty-five cents each, for the whole distance including Customary baggage not exceeding one hundred pounds weight for each, for transporting the whole distance any trunk, box, bale, basket or package not being the baggage or part of the baggage of a Passenger, and not exceeding one hundred pounds weight twelve and a half cents, and it shall not be lawful for any other Company or any person or persons whatsoever, to travel upon or use any part of the said Rail Road: or to transport persons or property of any description thereon without the payment of the tolls by this Section, required, and using appropriate and suitable carriages for traveling and passing on said Rail Road: Provided however, and be it enacted that this Section shall not be so construed as to prevent all or any persons or companies from making or procuring all machines waggons, carriages and other vehicles proper or necessary for the purposes of transportation on said Rail Road.

Section ~~7~~ 7. And be it enacted That it shall and may be lawful for any other Turnpike and Rail Road Company or Companies or either to form junctions of their said Road or Roads at any part or parts of the said Road with the same Road.

Section 8. And be it enacted, That the Shares of the Capital Stock of the said Company both original and increased shall be deemed and considered personal estate and the Directors shall semi-annually divide the profits derived

from both the Turnpike and Rail Road, except what they may deem necessary to reserve for repair, among all the Stockholders in proportion to the amount of stock held by them respectively, and they shall cause a notice of such dividend to be published in one Newspaper in Wilmington, one in Baltimore and one in Elkton Maryland, and shall annually report the same to the Legislatures of Delaware and Maryland

Section 9. And be it enacted, that unless said Rail Road is commenced within two years from the passage of this Act and finished within five years thereafter, this Act and all the rights and privileges which it confers upon said Company shall cease and be utterly void.

Section 10. And be it enacted, that the State hereby reserves the right to alter or abolish said Charter at any time after the period of ^{years} twenty from the completion of said Road on providing that such compensation shall be made to the Stockholders as the Legislature shall deem reasonable—

Provided always nevertheless, and be it enacted, That unless the said Turnpike Company and the Company to be incorporated by virtue of this Act, and the said Act of the Legislature of the State of Maryland shall and do within said term of two years, lay out make continue and extend the said Turnpike Road and the said Rail Road so as aforesaid authorized to be constructed and made, in a direct course or route, or as nearly so as the existing improvements and nature

of the grounds will admit, to low water mark of Elk River in the State of Maryland, and erect or cause to be erected a commodious and sufficient wharf and public landing at deep water in the said Elk River to be connected with the said Turnpike Road and the said Rail Road. That then, and in such case of failure to comply herewith, this act shall be, and hereby is declared to be, void and of no effect.

Section 11. And be it enacted, That the State hereby reserves the power of levying such tax as may be expedient upon so much of the Capital Stock of the said Company as may be actually paid in, not exceeding one half of one per centum per annum.

Section 12. And be it enacted, That this Act shall not take effect until the Legislature of Maryland pass an Act similar in all its provisions to this Act, or until said Legislature shall by necessary enactments, make an Act entitled "An Act to authorize the New Castle and Frenchtown Turnpike Company to make a Rail Road from Frenchtown on Elk River to the Delaware line in a direction towards New Castle" passed by that Legislature December Session 1827, to conform in all its provisions to this Act.

Passed at Dover
February 7. 1829.

William Th. Morris
Speaker of the House
of Representatives
P. Spruance
Speaker of the Senate

An Act

to authorize the Newcastle and Frenchtown Turnpike Company heretofore incorporated by the name of the President Managers and Company of the Newcastle and Frenchtown Turnpike to make a Rail Road from the place called and known by the name of Blacks Corner in the County of Newcastle in this State as far as the Maryland line in a direction towards Frenchtown on Elk River.

Feb. 7. 1829.