

aforesaid, their vendees and assigns shall have full power to conduct and manage the business to be done on said road by such agents and officers, as he or they may deem necessary to appoint, which said purchaser or purchasers, his or their vendees or assigns, their officers and agents, shall be invested with the same rights, privileges and powers, and be subject to the same duties that are conferred and enjoined on the said company, and the officers and directors thereof, by the charter and act of incorporation aforesaid, and all other acts passed by the said States of Pennsylvania and Maryland, in relation to the said rail road, and shall be vested with all its rights and privileges and be subject to all the restrictions now imposed upon said company by said act of the General Assembly of this State, in respect to tolls and freights and in respect to all other matters embraced and contained in said last mentioned act; and shall by said sale hold and enjoy the said road and appurtenances, and all the said franchises, rights and privileges, and all the property and rights of the former stockholders in said rail road company, subject, however, to all the conditions and provisions of said last mentioned act, free, clear and discharged from all debts and incumbrances whatsoever, the purchase money so to be paid as aforesaid, to be divided and distributed pro rata among the creditors of the said company, and to be received by them, in full discharge of their respective claims.

Express condition of sale.

SEC. 5. *And be it enacted*, That it shall not be lawful for said purchaser or purchasers, their vendees or assigns, (and said sale of said road and franchises is to be made upon this express condition,) to use and occupy the ground on which said rail road, in Washington county aforesaid, is laid out for any other purpose than that of accommodating the public by a rail road in continuation of and connection with said portion of said road in Pennsylvania, or to sell, destroy or remove the iron rails, bridges, works and superstructure of the present road, unless with a view to make repairs in the same, and to relay the same with heavy and substantial iron rails; and it shall be their duty so to relay said road and adapt it to steam power, the so re-laying said road to be commenced within two months, and to be completed within eighteen months from the date of the ratification of the sale provided for in the first section of this act; otherwise all advantages derived from said sale to cease to the purchasers, and all monies paid by them on the sale, to be forfeited to the use of the creditors of said Franklin Rail Road company; and said trustees shall