

No. 119.

AN ACT

To protect the Rail Roads and repair the Canals constructed at the expense of the State.

Persons who wilfully injure the Pa. rail roads in any way, subject to imprisonment, &c. on conviction.

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 if any person or persons shall wilfully and maliciously burn, break, cut, throw down or destroy the whole or any part of any water station, locomotive engine, stationary engine, engine house or other building, machinery, rope, sheaf, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, switch, turning platform, block, wall, bridge, culvert, drain or bank, belonging to any rail road constructed by the Commonwealth of Pennsylvania, or stop up or obstruct any such rail road or any engine, machinery, rope, sheave, switch, turning platform, culvert, drain, conduit, pipe, water station or well belonging to any rail road constructed as aforesaid, such person or persons shall for every such offence pay all the damages arising from such burning, breaking, cutting, throwing down, stopping or destroying, and on conviction thereof before the court of Quarter Sessions or any court of Oyer and Terminer of the proper county, shall be sentenced to imprisonment at hard labor for any term not exceeding five years in the jail of the proper county, or in one of the penitentiaries of the State, at the discretion of the court before whom the conviction may be had.

SECTION 2. If any person shall wantonly open or shut, or shall cause to be opened or shut, any part of a locomotive engine, stationary engine, switch, turning platform or machinery, or shall put such engine, machinery or rope in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges into any part of the rail road, or into any engine, machinery, switch, turning platform or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall or timber work, or any bridge or place made for crossing the rail road, on any of the rail roads constructed by the State, such person or persons shall for every offence forfeit any sum not exceeding two hundred dollars and pay all damages consequent upon such offence, and be imprisoned in the jail of the county where such offence may be committed, upon the warrant of the court before whom a conviction shall be had, for a term not exceeding six calendar months.

SECTION 3. If any person shall wilfully lead or drive or cause to be led or driven, any horse, ox, ass or mule, hauling any stone or timber, or hauling any sled, sleigh, wagon, cart, dray, or any other carriage or thing whatsoever, (except rail road cars) along or over any rail road belonging to the State, or over any bank, wall, sideway, turning platform or fixture thereof, except at a bridge or place constructed for crossing the rail road, or if any person shall wilfully obstruct the perfect and free use of said rail road, by placing any timber, stone, earth or any other thing whatever on it, or on any sideway or fixture belonging to said rail road, such person shall forfeit for every such offence any sum not exceeding one hundred dollars and pay all damages consequent upon such offence, and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed for a term not exceeding thirty days, at the discretion and upon the warrant of the court before whom such conviction shall be had.

SECTION 4. Every person who shall wilfully ride, lead or drive any horse, ass or mule, or who shall wilfully lead or drive any ox, sheep, swine or other cattle, upon any rail road constructed by the State, or upon any of the banks or sideways of such rail road, except for the purpose of hauling rail road cars thereon, or for the purpose of conveying articles to or from the sides of such rail road, to be transported thereon or delivering at their place of destination, shall forfeit and pay for each offence a fine not exceeding twenty-five dollars and pay all damages consequent upon such offence, over and above the said forfeiture, and in case of default in the immediate payment of such forfeiture and damages upon conviction, such person shall be sentenced to imprisonment in the jail of the county where such offence may be committed, for a term not exceeding fourteen days, at the discretion of the court before whom such conviction shall be had: *Provided*, That any supervisor or other agent *Provided*, having charge of any portion of the public works of the State, may allow persons wishing to view those works permission to ride along the same.

SECTION 5. No person shall construct any building, wharf, platform, switch, sideway, lateral rail road, or crossing place, or make and apply any device, whatever, on the ground set apart for, or belonging to, or forming part of any rail road constructed by the State, or on the banks or excavations thereof, without first obtaining permission therefor, from the board of canal commissioners, or some one of them, in writing; and if any person shall offend against this section, by commencing, or making any such construction, or apply such device without such permission, or shall not conform to the directions of the canal commissioners, or their authorized agents, having charge of such rail road, in respect to the location and size of such building, wharf, platform, switch, sideway, lateral rail road,

Penalty of \$1000 for erecting, without permission, any building, &c. on the ground set apart for the rail roads &c.

crossing place, or device, as aforesaid, such person shall, for every such offence, forfeit a sum not exceeding one thousand dollars, and the canal commissioners, or either of them, or any engineer, superintendent, supervisor, or other agent upon such rail road, shall be authorized, at the expense of the person thus attempting, to remove and destroy every such building, wharf, platform, switch, sideway, lateral rail road, crossing place or device, as aforesaid.

Canal com'rs
may make
rules for the
regulation of
the rail roads,
&c.

Proviso.

Penalties,
how recover'd

Proviso.

2d Proviso.

SECTION 6. The board of canal commissioners shall have power, from time to time, to make such rules and regulations, not inconsistent with the laws of this State, in respect to the form, size and structure of locomotive engines, tenders and cars on the rail roads of the state: the weighing and inspection of engines, tenders, cars, and their lading: the collection of tolls, and in respect of all matters connected with the use and preservation of the rail roads, and impose such fines and penalties, for the breach of such rules and regulations, as they may judge reasonable. *Provided, That no fine or penalty, so imposed, shall, for a single offence, exceed the sum of twenty-five dollars.*

SECTION 7. All penalties and forfeitures, created by this act, or by the rules and regulations which may be established by the board of canal commissioners, in conformity with the sixth section of this act, the recovery of which is not herein otherwise specifically provided for, and where the penalty does not exceed one hundred dollars, may be sued for and recovered, with costs, before any justice of the peace, in any county where such penalty or forfeiture may accrue, in the name and for the use of the commonwealth of Pennsylvania, and any one of the canal commissioners, or any engineer, superintendent, supervisor, collector, or other agent, duly appointed by the canal commissioners, are hereby authorized to sue for and recover the same; or by summary conviction, before such justice of the peace, who shall have power, in all cases, where by this act, or by the rules and regulations of the canal commissioners, the penalties and forfeitures are made discretionary, to fix the amount thereof, and the amount of such penalties and forfeitures, when recovered, shall be paid into the treasury of the State. *Provided, That whenever an offence is committed against the provisions in the second and fifth sections of this act, the canal commissioner, officer or agent who institutes the suit for the penalty or forfeiture for such offence, may commence and prosecute the same before any justice of the peace of the proper county, for a sum not exceeding one hundred dollars: And provided further, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition, to the next court of Quarter Sessions, who shall take such order thereon as to them shall appear just and reasonable, and the same shall be conclusive.*

SECTION 8. For the speedy reparation of any injury to any of the rail roads, or any of the buildings, machinery or fixtures thereof, or to any of the canals, feeders, dams, or the works connected therewith, forming part of the canals and rail roads constructed by the State, whenever and as often as such shall happen, it shall be lawful for any of the canal commissioners, or any engineer, superintendent, supervisor, or other agent employed upon the said canals or rail roads, with carts, wagons or other carriages, with beasts of draft or burthen and all necessary tools and implements, to enter upon any lands contiguous or near to the said rail roads, canals, feeders, pools, dams or works connected therewith, and to dig for, get and carry away and use all such stone, gravel, clay or other materials, as may be necessary and proper in their opinion for such reparation; doing as little damage thereby as the nature of the case will permit, and the value thereof shall be assessed and paid as damages are now assessed and paid on the Pennsylvania canal and rail road. Agents of the State may enter on lands of individuals and take materials to repair the canals and rail roads.

SECTION 9. It shall be the duty of the superintendent or other officer in the employment of the State, to cause a copy of this act to be kept at all times in some conspicuous place at every water station along the lines of the respective rail roads "constructed at the expense of the State." Copies of this act to be kept at different points on the rail roads.

WM. PATTERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.

No. 120.

AN ACT

Entitled, An act to repeal the several supplements to the act entitled, An act to incorporate Kensington district of the Northern Liberties, so far as relates to the holding of Sunday markets.

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 so much of the several supplements to the act entitled, "An act to incorporate Kensington district of the Northern