

No. 75.

**An Act**

To incorporate the Sunbury and Erie, and Pittsburg and Susquehanna Railroad companies.

Commission-  
ers.

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 John Naglee, Robert Patterson, Benjamin W. Richards, George Handy, Simon Gratz, William T. Smith, Cheyney Hickman, Charles Macalister, William B. Reed, John White, Robert A. Parrish, William Buehler, Thomas Astley, Girard Ralston, Jacob Lex, Algernon S. Roberts, Samuel F. Reed, Lewis Ryan, J. Washington Tyson, James Campbell, Thomas P. Cope, Job R. Tyson, James F. Macauley, Charles D. Lybrand, William A. Crabb, Alexander L. Hodgson, John J. Krider, Charles Hinckle, Jacob Mintzer, David Jeffries, Lewis Shinnich, John Grim, Christian Read, E. D. Martin, John Miller, Thomas Earle, Robert Doran, Peter Baker, John C. Smith, A. Fougeray, Richard Tichener, Jacob Hentz, John Hentz, Samuel Heintzleman, Edmond B. Mixsell, William A. Irvine, Godfrey Bender, Samuel Butcher, (Mason,) Thomas F. Ashton, Joseph Rheiner, John Bender, Philip Miller, senr., George W. Ritter, Henry Leech, John Miller, (Cooper,) William Heckman, Francis J. Harper, Joseph Lake, Anthony Felton, Daniel Bender, John Rheiner, Jr., D. F. Condie, L. Paynter, S. N. Morsellis, Isaac Oakford, Benjamin Martin, Joseph Dimond, G. W. Chambers, John M. Buchius, John Stalman, Jacob Haas, William H. Stokes, Windham H. Stokes, William Anstee, Josiah Wood, Henry Shitzline, John Foulkrod, Alexander Major, Henry Troth, of the city of Philadelphia, R. S. Reed, P. S. V. Hamor, John A. Tracy, Daniel Dobbins, Josiah Kellogg, Edwin J. Kelso, William Fleming, Isaac G. Williams, John H. Walker, Joseph S. Colt, Thomas H. Sill, Gillis Sanford, William Kelly, of Erie, Joseph B. Anthony, William E. Packer, Dr. W. R. Power, Henry Hughes, Dr. Arthur Davidson, John H. Cowden, William Wilson, Tunison Coryell, Nicholas Funston, William A. Petrikin, Joshua Bowman, Peter Shoemaker, Isaac Brunner, James Wilson, James Gamble, Alexander Hamilton, William Johnson, Junior,

Robert Carson, Benjamin Hays, of Lycoming, Robert Falconer, Josiah Hall, Stephen Littlefield, Obed Edson, Thomas Struthers, Archibald Tanner, N. B. Eldred, G. C. Irwin, G. A. Irvine, F. W. Brigham, of Warren county, Solomon Sartwell, H. Payne, John King, Jonathan Colegrove, Asa Sartwell, Orlo J. Hamlin, of McKean, Henry Shippen, David Dick, Stephen Barlow, Andrew Smith, Joseph Douglass, J. Stewart Riddle, David McFaddin of Meadville, Rowletten Power, Alexander McCalmont, James Kinnear, John Evans, James Thompson, Joseph M. Fox, Christian Myers, David Phipp, Myran Parks, William Raymond, Arnold Plumer, Andrew Bowman, John W. Hawe, of Venango county, Thomas D. Grover, Henry Leech, Thomas Sparks, James Ronaidson, Walter Thompson, Robert K. Scott, Charles Brower, Rees W. Flower, John Wister, Jr., Dr. George Thomas, William B. Fling, of Philadelphia, Benjamin B. Smith, Robert G. White, Joseph W. Guernsey, Josiah Emery, Samuel Dickinson, Samuel W. Morris, of Tioga county, Abbot Green, Alexander Graham, Samuel Reber, William Hays, James Geddis, John Rank, Ner Middleswarth, James Merrill, John Lashells, John Baskin, John Ray, Samuel Henderson, C. M. Straub, Samuel Barber, William Foster, John Cummings, Jr., James Moore, of Union county, Henry Reader, David Watson, Montgomery Sweney, R. H. Hammond, Samuel Hepburn, Henry Frick, James Hepburn, Joseph R. Priestly, Hugh Bellas, C. G. Donnel, A. Jordan, E. Greenough, E. Gobin, John C. Boyd, Daniel Levy, Henry Yoxtheimer, Henry Masson, William Forsythe, James Dougal, Frederick Lazarus, of Northumberland county, Timothy Ives, John H. Rose, Charles Leyman, of Potter county, J. Noble Nesbet, William Banks, Indiana county, Dr. William Darlington, William Williamson, of Chester county, George L. Mayer, William Coleman, of Lancaster county, John Miller and William Schoener of Berks county, Henry K. Strong, David Krause, Edmund W. Roberts, William Ayres, of Dauphin county, John Bannon, Burd Patterson and Jacob Seitzinger, of Schuylkill county, Daniel H. Boas, Jacob Sallade, William H. Miller, George D. B. Keim, and Daniel Hahn, of Berks, William Donaldson, Valentine Best, Michael Fornwatt and S. F. Headly, of Columbia county, A. Y. Bright of Northumberland county, Josiah W. Smith, Richard Shaw, Peter Ritner, Benjamin Hartshorn, Thomas Hemphill, Robert Ross, Lewis W. Smith, John Irvin, of Clearfield county, Evan Jones, Charles F. Jenkins, Lewis Jones, Jonathan Roberts, Daniel H. Mulvany, Thomas Reed, William H. Slingsluff, John Lloyd, Samuel Tyson, and Charles Palmer,

of Montgomery county, Charles Evans of the city of Philadelphia, John Findley, Benjamin Stokely, Bevan Pearson, John Hoge, William Maxwell, Samuel Thompson, William F. Clark, James Bredin, Joseph Smith, David T. Porter, Robert Stewart, Abraham Pell, Samuel Holstein, John Ferker, James McKean, Joseph T. Boyd, John Fisher, Robert W. Stuart, Ezekiel Sankey, Thomas Wilson and Daniel Means, of Mercer, or any three of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of November next, procure books, one of which shall be opened at Northumberland, Sunbury, Milton, Williamsport, Warren, Wellsborough, Clearfield, Meadville, Erie, Franklin, Harrisburg, Bellefonte, in the city of Philadelphia, in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Sunbury and Erie Railroad company, the sum of one hundred dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Sunbury and Erie, and Pittsburg and Susquehanna Railroad companies.' Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and thirty-\_\_\_\_\_, and shall thereupon give notice, in at least one newspaper in each of the above named places, two weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the name or names of any other person or persons who shall authorize the same, for shares in the said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of two days, or until there shall have been subscribed thirty thousand shares; and if at the expiration of two days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of thirty thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares,

To procure  
books.

Form of sub-  
scription.

Price  
of shares  
\$100 each.

Notice.

Who may  
subscribe.

30,000 shares  
whole no.

or more, shall be subscribed, then the books shall be closed, When books and the stock be divided equally, if more than the whole shall be should be taken, reducing the largest subscribers first, and closed. ] so on, until the requisite number is thereby obtained: *Pro-Provido.* *vided,* That no person or persons shall be permitted to subscribe more than fifty shares the first day, after which any person may subscribe for any number of shares, until the whole of the stock is taken: *And provided also,* That no 2d *Provido.* subscription shall be valid, unless the person so subscribing \$10 to be shall pay to the said commissioners, at the time of making paid at time the same, the sum of ten dollars on each and every share, of subscri- bing. for the use of the company.

SECTION 2. When six thousand shares or more of the said stock shall be subscribed, and the sum of ten dollars paid on each and every share as aforesaid, the commissioners, or a majority of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of ten dollars on each share paid at the time of subscribing, whereupon the Governor Letters pat- ent. shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "The Sunbury and Erie Railroad company," and by the same name shall have perpetual suc- cession, with all the privileges, franchises and immunities Privileges and powers. incident to a corporation, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and all estates, real, personal or mixed, of what kind or quality soever, and the same from time to time may sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such portions of the profits as they may deem proper, and also, to make and have a common seal, and the same alter or Seal. renew at pleasure, and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs of the same: *Provided,* That nothing herein contained *Provido.* shall be so considered as giving to the said corporation any

banking, manufacturing or trading privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, convenient construction of depots, such cars, locomotives, fixtures and devices, as may be necessary for the conveyance of passengers, and the transportation of the mail, and of goods, merchandise and commodities thereon.

Organization SECTION 3. The said named persons, or any ten of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and twelve managers, all of whom shall be residents of this commonwealth; that the president and managers aforesaid shall conduct the business of said company until the second Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

Proviso.

Annual elec- SECTION 4. The stockholders shall meet on the second Monday of January in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous, by the secretary, in the newspapers before mentioned, and choose, by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of the votes, in the manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportion following: for every share not exceeding two shares one vote, for every two shares above two and not exceeding ten shares one vote, and for every five shares above ten one vote, but no

Ratio of votes.

share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of election, nor unless it shall be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for, or to the use and benefit of any other person: *Provided*, That no share held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and all votes by proxies shall be on such terms and conditions as prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Proviso.

Proxy.

SECTION 5. The election of officers provided for in the third section of this act, shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law to conduct such election, to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes, and declare who has been elected; and if it shall at any time happen, that an election of president and managers shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president and managers on any day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding the said election, and the president and managers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of the death, resignation, or removal from the state of the president or any manager, his place may be filled by the board of managers, until the next annual election.

Manner conducting the election.

Neglect not to dissolve.

Vacancies how filled.

SECTION 6. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep the minutes of their transactions, fairly entered into a book, and a quorum being formed,

Meetings of the president & managers.

Quorum. Minutes.

Power to ap- they shall be empowered, and have authority to appoint a  
 point secre- treasurer, secretary, and all such surveyors, engineers, su-  
 tary, treasu- perintendent, and other artists and officers, as they shall  
 rer, and other deem necessary to carry on the intended work, and to fix  
 officers. their salaries and wages, to ascertain the times, manner,  
 and proportions in which the said stockholders shall pay the  
 moneys due on their respective shares, to regulate the draw-  
 ing of orders on the treasurer for moneys, which shall be

Orders on the treasurer, etc. signed by the president, or in his absence by a majority of  
 the managers present, and countersigned by the secretary,  
 and generally to do all such other acts, matters and things,  
 as by this act, and by the by-laws and regulations of the compa-  
 ny, they are hereby authorized to do, and the assignee hold-  
 ing any such certificate, shall be a member of the said cor-  
 poration, and for every share assigned, shall be entitled to  
 one share of the capital stock, of all the estates and emolu-  
 ments of the company, incident to such share or shares, and  
 to vote as aforesaid, at the meetings thereof, and subject to  
 all penalties and forfeitures, and of being sued for the bal-  
 ance due, or to become due on each share, as the original  
 subscriber would have been.

Certificates of stock. SECTION 7. The said president and managers first chosen,  
 shall procure certificates or evidences of stock, and shall deliv-  
 er one or more certificates, signed by the president, and coun-  
 tersigned by the treasurer, and sealed with the common seal  
 of the said corporation, to each person, for the number of  
 shares by him or her subscribed or held, which certificate  
 or evidence of stock, shall be assignable and transferrable  
 Of transfer. on the books of the corporation, only in such manner as the  
 by-laws shall ordain, and no stockholder shall be entitled,  
 without the consent of the president and managers, to trans-  
 fer any stock until all the instalments which have been called  
 for shall be fully paid thereon.

Penalty for neglect to pay instalments. SECTION 8. If after thirty days notice in the public papers  
 aforesaid, of the time and place appointed for the payment of  
 any proportion or instalment of the said capital stock, any  
 stockholder shall neglect to pay such proportion or instal-  
 ment, at the place appointed, for the space of thirty days  
 after the time so appointed, every such stockholder or his  
 assignees, shall, in addition to the instalment so called for,  
 pay at the rate of two per centum per month for delay of  
 such payment, and the said president and managers may  
 declare any stock forfeited to the use of the company, upon  
 which any instalment shall remain unpaid for the space of  
 six months after the time appointed for the payment thereof,  
 and such forfeited stock may be sold and transferred by the  
 said president and managers, for the benefit of the company,

Forfeiture.

to any person or persons who will purchase the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman Or suit. or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the election or meeting. *Proviso.*

SECTION 9. The president and managers of the said company shall demand and require of and from the treasurer, and may demand and require of and from all and every other, the officers and other persons by them employed, bonds in sufficient penalties, and with such securities as the said company shall by their rules, orders and regulations, require, for a faithful discharge of the several duties and trusts to them respectively committed. *Bonds of treasurer and other officers.*

SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring such dividend. *Dividends.*

SECTION 11. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route or routes as they shall deem expedient for a railroad, with as many sets of tracks as they may deem necessary, from Sunbury, by the way of Northumberland and Williamsport, by the most eligible route to the harbour of Erie, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property, and the said railroad shall not pass through any burying ground or place of *Location of road. Commencement. Termination.*

Map to be filed in the Secretary's office.

Branch routes may be fixed.

Right of entry upon lands.

Mode of ascertaining damages.

Appointment of viewers.

public worship, nor any dwelling house, without the consent of the owners thereof, nor shall it pass through any out-building of the value of three hundred dollars, without such consent; and the said president and managers shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of said railroad to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened and all the expenses incurred thereby, shall be defrayed by said company; The president and managers of the said company shall have power to survey, lay down, ascertain, mark and fix such route or routes as they shall deem expedient for a railroad, with as many set of tracks as they may deem necessary, from a point in said road from Sunbury to Erie, by way of Warren, Franklin, Mercer and New Castle, to Beaver, or to connect with the Beaver and Conneaut railroad, at some point in Mercer county.

SECTION 12. That it shall be lawful for the said company and their agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of the said railroad, doing thereto no unnecessary damage, and when any part of the said route shall be determined by the said company, it shall be lawful for the said company, their agents or contractors, to enter upon, take possession of, and use such land; and also to take from any land in the neighborhood, gravel, stone, wood, or other materials, for the purpose of constructing and maintaining such railroad, subject however, to such compensation as said company may have agreed to pay therefor, or shall be ascertained, in manner hereinafter directed.

SECTION 13. That when the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or for the damages sustained by such owner or owners, or as to the compensation to be paid to the owner or owners of any materials taken as aforesaid, or where, by reason of legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, the court of Common Pleas of the proper county, on application thereto by or on behalf of either party, and at the costs and charges of the said company, shall nominate and appoint twelve disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required or taken, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than

ten nor more than twenty days after the date of the precept, and the sheriff, upon receiving the said warrant, shall forthwith summon the said persons, and give at least eight days notice to the parties, and the said sheriff shall attend at the time and place of meeting, and administer to each of the said jurors who shall attend on the case of land so required, an oath or affirmation, that he will faithfully and impartially value the land occupied or required for said railroad, or other works, and all damages which the owner or owners shall sustain, or may have sustained by reason of the construction of the said railroad, or other works, taking into consideration the advantages, as well as the disadvantages of the same to the said owners, according to the best of his skill and judgment, and the same in the case of materials taken, and the said persons, or any nine of them, shall thereupon proceed to view the premises, and hear the evidence, and their award, signed by the sheriff and a majority of the jurors actually viewing the premises, shall be returned by the said sheriff within five days thereafter, to the prothonotary, to be filed of record, and the said sheriff and jurors shall be allowed the like compensation as are allowed on the execution of an order to value real estate, in the Orphan's court, under the intestate laws of the state, and either party may, within twenty days, file exceptions to the said award, which exceptions shall be heard and decided by the court of Common Pleas, who may either affirm or set aside the same, and if no exceptions be filed, or the verdict be affirmed after exceptions, it shall have the effect of a judgment against the party, and if it be set aside, a new precept shall issue, as herein before provided for: *Provided*, That in the subsequent proceedings, if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all the costs of said proceedings.

Their oaths  
and duties.

Report.

Sheriff and  
Juror's pay.

Exceptions.

Proviso.

SECTION 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross or enter the same; in all cases where the said railroad may cross, or in any manner interfere with any existing public road, canal, or slack-water navigation, the said company shall make, or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, bridge or bridges, to enable all persons passing or traveling such public road, canals, or slack water navigation, to cross and pass said railroad, which bridge, or causeway or causeways, shall be made and maintained by said company, and the sufficiency of the same shall be judged by the supervisor or supervisors of the proper

The said  
railroad shall  
be so con-  
structed as  
not to ob-  
struct public  
roads.

Public cause-  
ways, or  
causeway  
bridges.

Penalty for neglecting causeways.

township, and if the company shall neglect or refuse to keep such causeway or causeways in good repair, they shall be liable to a penalty of ten dollars, for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the township, with costs, for the use of the township, as debts of the like amount are by law recoverable, and shall moreover, be liable to all actions, at the suit of any person who may be aggrieved thereby.

Private causeways.

SECTION 15. For the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands, to cross or pass over the same with wagons, carts, and implements of husbandry, as occasion may require, and the said causeway or causeways, when so made, shall be maintained and kept in good repair by said company, and if the said company shall neglect, or refuse on request, to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person, in consequence of such neglect or refusal, to be sued for and recovered, before any magistrate or court having cognizance thereof: *Provided,*

Penalty for neglecting causeways.

Proviso.

That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person, owning or possessing land through which the said railroad may pass; and in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road, laid out subsequent to the passage of this act, then and in such case, the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair: *Provided further,* That this act shall not be so construed as to prevent the owners of land through whose property the said railroad passes, from constructing a bridge, causeway, or crossing place, over or under the said railroad, in conformity with such as are usually made by said company.

2d Proviso.

Owners of land adjacent to road, may make lateral roads to connect with it.

SECTION 16. The company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or adjacent thereto, from making such lateral railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may conceive necessary for the purpose of transporting merchandise, stone, timber, produce or coal, upon the said railroad.

SECTION 17. No suit or action shall be brought or prose-

cuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 18. That in all suits or actions brought against the said company, the service of process on any manager, toll-gatherer, or other officer of the company, shall be as good and as available in law as if made on the president hereof.

SECTION 19. If any person or persons shall wilfully and knowingly break, injure, or destroy the railroad hereby authorized, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered, with full costs, before any tribunal having cognizance thereof, by action, in the name and for the use of the said company, and shall be subject to indictment in any court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 20. If any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or designedly and with evil intent, place or put any obstruction on the line of the railroad, so as to jeopard the safety, and endanger the lives of persons traveling on the same, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction, to be punished by fine and imprisonment, at the discretion of the court: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

SECTION 21. On the completion of any part of the said road, or any portion of one track, not less than ten miles, it shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on said road, and such portions thereof as are completed, being not less than ten miles, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations, as they deem expedient, and that they shall have full power and authority to prescribe the kinds and

descriptions of cars, carriages, or wagons, to be used on the said road, for the conveyance of passengers, and the transportation of the mails, or of goods, wares, merchandise, and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof, as they may deem expedient: *Provided*, That the toll on any species of property shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile, and the legislature reserves the right to reduce and regulate the toll hereby authorized.

Proviso.

Tolls.

Penalty for defrauding the company of toll.

SECTION 22. If any owner or driver of any car, carriage, or other conveyance, upon the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with the cost of suit.

Statement of accounts to be made at the annual meetings.

SECTION 23. At each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called, by order of the president and managers, or by the president, at the request of the stockholders holding one fourth of the amount of the capital stock, in like notice as that required for annual meetings, specifying moreover, the object of the meeting, but no business shall be transacted at such meetings, except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend, in person or by proxy.

The capital stock may be increased to \$6,000,000.

SECTION 24. If any increase of the capital stock shall be deemed necessary to improve or complete the said railroad, or any of its branches, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that the capital of the said company shall not exceed six millions of dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 25. At the end of the third year after the charter shall be obtained, and at the end of every year there-

after, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of the said company, the amounts received for tolls and transportation, the rates charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company: *Provided*, That the company shall pay into the treasury of the commonwealth, a tax of eight per centum per annum, on all dividends over eight per cent. on the capital stock paid in.

SECTION 26. Inasmuch as it is of essential importance to ensure a full subscription to this railroad, with which so many already chartered will be connected, the president and managers are hereby authorized to receive and hold, for the benefit of the subscribers, such donations and subscriptions of lands along and immediately adjoining the said railroad and its branches, as may tend to ensure its speedy commencement and completion.

SECTION 27. If the said company shall at any time misuse or abuse any of the privileges herein granted, the legislature may resume, all and singular, the rights and privileges hereby granted to the said corporation.

SECTION 28. The legislature hereby reserve the right to purchase the railroad by this act authorized to be constructed, with its appurtenances, at any time after the expiration of fifty years from the passage of this act, by paying to the said company a sum of money which, with the tolls received, shall equal the cost and expenses of making and maintaining the said railroad, with an interest of six per cent. per annum thereon.

SECTION 29. That Benjamin Darlington, William Bell, James Thompson, N. B. Craig, James S. Craft, John Lyon, Peter Shoenberger, George Miltenberger, W. W. Irvin, W. W. Fetterman, George A. Bayard, James Ross, jr., Francis Karns, William Little, Hugh Davis, Henry Brackenridge, John Tasse, George Breed, Benjamin Weaver, Benjamin Fahnestock, James Speer, Pollard McCormick, Robert Greer, James R. Butler, Samuel Stackhouse, James Wood, James P. Stewart, M. B. Miltenberger, Samuel Fahnestock, Thomas Williams, J. R. McClintock, of the county of Allegheny, R. B. M'Cabe, J. Noble Nisbet, Stewart Steel, Thomas Boyle, Samuel Moorhead, Joseph Laughry, of W., Samuel Templeton, John White, William Banks, Thomas White, James M. Stewart, Peter Diltz, Alen N. Work, Henry Kinter, James M'Comb, Daniel Stanard, Ephraim Carpenter, Willian Houston, of Indiana county, Hugh M'Clelland, Arnold Plumer, John Evans, James

Abstract of accounts to be furnished to the legislature.

Proviso.

Donations and subscriptions of lands.

Legislature may resume privileges.

The legislature may purchase the railroad.

Commiss'rs of the Pittsburg and Susquehanna Railroad company.

Kinnear, George Brigham, Edward Pierce, James R. Snowden, of Venango county, J. Hall, Thomas Struthers, L. Wetmore, Archibald Tanner, G. A. Irvine, of Warren county, be, and they are hereby appointed commissioners, with similar powers to those contained in the first section of this act, (the notices to be published in such newspapers as they shall deem most advisable,) and after they shall have procured subscriptions of stock to the amount of two thousand shares, they shall certify the same to the Governor, whose duty it shall be to issue his letters patent, incorporating the said stockholders, their successors and assigns, into a body corporate and politic, in deed and in law, by the name and style of "The Pittsburg and Susquehanna Railroad company," and by the same name shall have perpetual succession, with all the privileges, franchises and immunities, and subject to all the restrictions, liabilities and penalties, as by the several sections of this act are provided for and imposed upon the Sunbury and Erie Railroad company.

**SECTION 30.** The president and managers of the said Pittsburg and Susquehanna Railroad company, shall have the power to survey, lay down, ascertain and mark such route or routes as they may deem expedient for a railroad, with as many sets of tracks as they may deem necessary, from the said city of Pittsburg, along the waters of the river Allegheny, and thence by the nearest, best and most practicable route, so as to intersect the said Sunbury and Erie Railroad, at any point they may think most advisable, either on the waters of the Allegheny, or the West Branch of the Susquehanna, or at any other intermediate point.

**SECTION 31.** In order that the location of said railroads may not interfere with the construction by the commonwealth, of a contemplated canal, from the present termination of the West Branch division of the Pennsylvania canal to the Allegheny river, explored by Mr. Aycrigg, the proposed location of said railroads, so far as the same might interfere with the construction of said canal, shall be submitted to the Canal Commissioners, and the said railroads shall be located in such manner, as in the opinion of the said commissioners, will not occupy or obstruct the ground necessary for such canal: *Provided*, That where the said railroads shall approach or cross any canal or slack water navigation constructed by the commonwealth, the location of the same, and the height of the bridges, shall be approved of by the Canal Commissioners, before actual operations shall be commenced.

Company incorporated.

Name and style.

Privileges and liabilities.

Location of the railroad.

Commencement.

Termination.

Location not to interfere with the works contemplated by the state.

Proviso.

SECTION 32. The said Sunbury and Erie Railroad company, shall commence the construction of said railroad previous to the first day of June, eighteen hundred and thirty-eight, and complete at least two hundred miles thereof within seven years, and the whole thereof within nine years next succeeding said first day of June; in default whereof all the rights and privileges by this act to them granted, shall cease, and their charter become void, except so far as it compels said company to make reparation for damages.

SECTION 33. That the second proviso in the first section of the act entitled "An act to authorize the Governor to incorporate a company to make a lock navigation on the East branch of the river Schuylkill," passed the twentieth day of February, Anno Domini, eighteen hundred and twenty-six, be, and the same is hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The third day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS : RITNER.

No. 76.

## An Act

To incorporate the Pittsburg and Connellsville Railroad company.

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 W. W. Fetterman, William Bell, N. B. Craig, John Morrison, William G. Alexander, Benjamin Bakewell, James Ross, jr., Charles Shaler, Alexander Brackenridge, John Shoenberger, George Darsie, William Addison, Lewis Patterson, Jacob Forsyth, Thomas S. Clark, Sylvanus Lothrop, A. Galway, William Holmes, George A. Cook, James S. Craft, William W. Irwin, John D. Baird, Benjamin Darlington, Charles Avary, John M. Snowden, E. Henderson, William Wade, Christopher Magee, Isaac Lightner, O. O. Gregg, Hezekiah Nixon, S. P. Darlington, Commissioners.