

No. 77.

A Supplement

To the act entitled "An act to incorporate the Middleport and Pine Creek Railroad Company," and for other purposes.

- Act of April 6, 1880, revived.
 Proviso.
 2d Proviso.
- 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 the act of the sixth day of April, Anno Domini one thousand eight hundred and thirty, entitled, "An act to incorporate the Middleport and Pine Creek Railroad company, be, and the same is hereby revived: *Provided,* That the said railroad be commenced within two years from this date, and finished within six years from the time of its commencement: *And provided also,* That Edward B. Hubley, Joseph H. Spayd, John Miller, and Peter Filbert, be additional commissioners, and that, upon a certificate from three or more of the commissioners that the requisite number of shares of stock have been subscribed, and amount required thereon paid, the Governor shall, by letters patent under his hand and the seal of this commonwealth, create and erect the said subscribers into a body politic and corporate, in deed and in law, in manner and form as is provided for in the act to which this is a supplement.
- Authority to extend the railroad.
- SECTION 2. *And be it further enacted by the authority aforesaid,* That the said company are authorized to extend the railroad aforesaid, should they deem it expedient to do so, from Middleport up the Cascawilliam creek to the Mine Hill, under the same limitations and restrictions provided for in this act, and the act to which this is a supplement.
- Capital stock.
 Number of votes to be graded.
- SECTION 3. The capital stock of the said company shall consist of ten thousand shares of fifty dollars per share, and the by-laws shall grade the number of votes to which the shareholders shall be entitled.
- Repeal.
- SECTION 4. That so much of the act to which this is a supplement as is or may be inconsistent herewith, be and the same is hereby repealed.
- Phil'a, Wil-
 mington and
 Balt. R. R. Co.
 & other R. R.
 Co's. author-
 ized to unite
 certain roads
- SECTION 5. That the president and directors of Philadelphia, Wilmington and Baltimore Railroad company, and the president and directors of any other railroad company, are hereby authorized and empowered to unite such railroads, as are constructed and terminate in the county of Philadelphia, the location of which is hereby confirmed, by curves, switch,

turning platforms, or otherwise, so as to form a continuous line of railroad with railroads of other companies in this commonwealth : *Provided*, That each company is entitled to all the privileges and immunities which such company now possess, have and enjoy, under their respective charters : *Provided*, That no change shall be made in the location of the curves, switches, turning platforms, or other appurtenances of said railroads, or any of them, within the county of Philadelphia, without the consent of the judges of the Quarter Sessions of the county of Philadelphia.

Proviso.

2d. Proviso.

SECTION 6. That the Appraisers of Damages be authorized to estimate the full loss suffered by any citizen in consequence of the use of the railroads and canals of the state, by the public agents, from sparks falling from locomotives.

Loss suffered by fire estimated by canal apprs.

SECTION 7. That the same proceedings shall be had as in case of other appraisements of damages, and that the amount be immediately paid out of the state treasury to the persons aggrieved, on a certificate of the damages by the appraisers, accompanied with the proper warrant.

Proceedings & payment

SECTION 8. That if any person shall wilfully and maliciously set fire to, destroy or injure any part of a locomotive or stationary engine, engine house, bridge, culvert, tressel work, or other building or structure belonging or appurtenant to any railroad, constructed or located by this commonwealth, or by any company authorized by law to construct a railroad, or shall wilfully and maliciously obstruct any such railway, or do any damage to the materials, or any part thereof, or shall put any timber, stone, iron or other matter thereon, or do any other act in relation to such railroad, whereby the lives of persons or property employed or transported on the same shall be endangered, such person or persons shall, upon conviction of such offence, before any court of competent jurisdiction, be sentenced to pay the damages caused by such offence, and to be imprisoned in the jail of the proper county, or in one of the penitentiaries in the state, for any term not exceeding five years.

To protect railroads from wilful or malicious injury.

Penalty.

SECTION 9. That if any person shall wantonly derange or displace the fixtures or machinery of any locomotive or stationary engine, or inclined plane used or employed on any railroad as aforesaid, or shall put in motion any machine, engine, car or other vehicle upon or belonging to any such railroad, without the consent of the person having the charge of the same, or shall destroy or injure any fence, or wall, or cross road passing over or under such railroad, such person or persons shall forfeit any sum, not exceeding one hundred dollars, and pay all damages caused by such offence, such person or persons may also be prosecuted criminally, and

Penalty for defacing fixtures, &c.

on conviction of the said offences, or either of them, be sentenced to imprisonment, not exceeding twelve months, in the jail of the proper county.

Penalty for leading or driving animals upon the banks or sideways.

SECTION 10. That if any person shall wilfully and wantonly, without the consent of the person having charge of any such railroad, lead drive, or cause to be led or driven, any horse, mule, ox, sheep, swine or other cattle on such railroad, or upon the banks or sideways thereof, or haul any other vehicle than railroad cars upon any such railroad, except at places constructed for crossing the same, or use any animal or vehicle on such railroad, contrary to the regulations of the Canal Commissioners, or of the board of managers or directors, as the case may be, such person or persons shall forfeit twenty-five dollars and pay all damages arising from such offence.

Penalty for constructing buildings of any kind on the grounds belonging to any railroad.

SECTION 11. No person shall construct any building, wharf, platform, switch, sideway, lateral railroad or crossing place, or make or apply any device whatever on the ground set apart for, or belonging to or forming part of, or on the banks or excavation of any railroad as aforesaid, without permission given under the authority of the Canal Commissioners, or of the managers of the proper railroad company, as the case may be, which permission shall only be given in writing, by a person duly authorized for that purpose; and if any person shall commence or make any such construction or device without such permission, or shall not conform to the direction of the proper officer or agent in the case, in the construction of such building, wharf, platform, switch, sideway, lateral railroad, crossing place or device as aforesaid, such person shall, for every such offence, forfeit and pay a sum not exceeding one hundred dollars, and the officer or agent having charge of such railroad may, at the expense of such person, remove and destroy every such structure or device as aforesaid: *Provided*, That nothing in this act shall prevent any corporation authorized to make a railroad, or individual owning land contiguous to a railroad, from laying rails on his or their land and connecting the same with such railroad, in such manner as shall be directed by the managers thereof.

Proviso.

C. Comm'rs authorized to make rules, &c.

SECTION 12. The board of Canal Commissioners shall have power to make such rules and regulations, not inconsistent with the laws of this commonwealth, as to the form and structure of locomotive engines and vehicles used upon the state railroads, for weighing and inspecting such engines and other vehicles, and their lading, for collecting toll, and in all matters connected with the use and preservation of the railroads, and impose such fines, for the breach of such

rules and regulations, as they may deem reasonable: *Provided*, That no fine so imposed shall, for a single offence, exceed twenty-five dollars. Proviso.

SECTION 13. All penalties, fines and forfeitures imposed by this act, or by the Canal Commissioners in pursuance thereof, may be recovered before any court having competent jurisdiction, in actions of debt, in the name and for the use of the commonwealth, or in the name and for the use of the corporation suing for the same, and the suits may be brought by any person duly authorized for that purpose by the Canal Commissioners, or by the proper corporation, as the case may be, and the parties in all such suits shall have the same right of appeal to the courts of Common Pleas as in other cases of like amount under existing laws. Mode of recovery covering the penalties, fines and forfeitures imposed by this act.

SECTION 14. The first, second, third, fourth, fifth, sixth and seventh sections of the act entitled An act to protect certain Railroads and repair the Canals constructed at the expense of the state, are hereby repealed, but any suit or prosecution, commenced under the provisions of the said sections, may proceed with the same effect as if this act had not been passed. Repeal of sections.

SECTION 15. That the charter of the Philadelphia Society for promoting agriculture shall be, and the same is hereby extended and continued in force for the term of twenty years, from the twenty-seventh day of March, Anno Domini one thousand eight hundred and thirty-nine. Phila. Soc'y for promot'g agriculture. Charter extended 20 years.

SECTION 16. That the sum of fifteen hundred dollars be, and the same is hereby appropriated for repairing and improving the powder magazine in the township of Passyunk, in the county of Philadelphia, the same to be expended under the direction of the Governor, or by such person or persons as he shall select to superintend the said repairs and improvements. State Magazine in Phila. co., \$1500 appropriated for repairing

SECTION 17. That the time to commence the New Hope, Doylestown and Norristown Railroad, is hereby extended two years from the passage of this act. New Hope, Doylestown & Norristown R. R. time for making extended

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.