

No. 146.

## AN ACT

To authorize the Juniata Bridge Company to construct a rail-road from the Pennsylvania canal, at Duncan's Island, in Dauphin county, to Sherman's creek, in Perry county.

**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 Cornelius Baskin, president, Amos A. Jones, Jacob Keiser, Thomas Duncan, Thomas R. Lindley, John B. Topley, John Charters, and Jacob Clay, managers of the company, for erecting a bridge over the Juniata river, at or near its mouth, their successors and assigns forever be, and the said company, and their assigns, are hereby authorized and empowered to erect, build, and construct a rail-road, to begin at a point on the Pennsylvania canal, on Duncan's Island, at a distance not exceeding one-fourth of a mile from the eastern end of the bridge now being erected by said company, and to cross the same to the western bank of the Juniata river, and to pass thence through or near the town of Petersburg, and to terminate at or near the mouth of Sherman's creek, being a distance of about two miles.

**SECTION 2.** It shall and may be lawful for said president and managers, by and with their superintendant and engineers, to survey and locate the said rail-road, on such ground as they may deem most suitable therefor, of a width not exceeding twenty-five feet.

**SECTION 3.** After the said rail-road shall have been located, in case the owners of the lands through which said rail-road shall pass, do not voluntarily relinquish all claim for damages; then, and in that case, the individual or individuals claiming damages, shall unite with the said company in the appointment of four disinterested men—two by each party—who, on examination, shall proceed to assess the damages upon the principles common in such cases, and they, in the event of disagreement, shall be authorized to appoint a fifth; and if at the expiration of ten days notice, said claimant or claimants shall not unite in the nomination aforesaid, the said company shall be at liberty to proceed *ex parte*; and it shall be the duty of said assessors to make a written

Juniata bridge company authorized to erect a rail road from Duncan's Island, to Sherman's creek

Survey of route

Damages how assured

award, and in case of either party disagreeing thereto, another nomination shall be made, whose award shall be final.

SECTION 4. When the said damages are assessed, as aforesaid, it shall be the duty of the said company to pay the amount to the legal claimants, before any injury be done to the property. When to be paid

SECTION 5. After the payment aforesaid, it shall be lawful for the company, by and with their superintendant, engineers, and persons with whom they may contract, for the erection of the whole, or any part of said rail-road, their artists, workmen, and laborers, with tools and instruments; with carts, wagons, and other carriages and beasts of draught; and burden, to enter upon said land, and to construct the said rail-road, and to hold and occupy the same for the purposes of transportation. Construction of rail road

SECTION 6. It shall be lawful for said company to fix the toll on said rail-road for cars, merchandize, and other articles; at the same rate charged on the Philadelphia and Columbia rail-road; and in case of the cars passing the bridge also, they shall pay, in addition thereto, the rate of toll already established for carts, wagons, and so forth, over the said bridge. Toll

SECTION 7. It shall be lawful for the aforesaid company to enact such by-laws, as may be necessary for the safety, and proper regulation of said rail road. By-laws

SECTION 8. The managers of the aforesaid bridge company, are hereby authorized to use a part of the funds subscribed for the said bridge, for the construction of said rail-road; and the tolls received from both, shall constitute a common stock, for the benefit of the stockholders; and the dividends shall be made therefrom, as already provided for in the law relating to the bridge. Funds of bridge may be used for rail road

SECTION 9. That part of the said rail-road which is designed to be contiguous to, and unite with the Pennsylvania canal, shall be constructed with the consent and advice of the canal commissioners; and the legislature hereby reserve the right to amend or repeal this act, whenever they think proper, in such manner, however, that no injustice may be done to the said bridge company. Canal commissioners consent to be had Act may be repealed

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The twenty-first day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.