

No. 36.

AN ACT

Regulating railroad gauges, and supplementary to the act incorporating the Catawissa and Towanda Railroad Company with an extension to the New York and Erie railroad, at some convenient point on the State line.

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* Thos. S. Fernon, William Colly, George Sanderson, Henry A. Muhlenberg, John O. James, Nelson H. Burrows, Samuel H. Gillingham, Samuel Megarge, Mark S. Mange, Wm. B. Clymer, G. A. Nicols, John Tucker, M. S. Richards, Charles R. Paxton, Chas. R. Buckalew, M. E. Jackson, Emanuel Lazarus, James Masters, Leonard B. Rupert, John F. Cowan, C. D. Eldred, Oliver Watson, Michael Mylert, James Taylor, Wm. A. Mason, Lewis Zaner, A. J. Dietrick, Josiah Jackson, Rollin Wilcox, Gordon F. Mason, C. L. Ward, Edwd. Overton, John Laporte, Wm. Ellwell, B. S. Russell, David Wilmot, A. McKean, Henry Gibbs, Charles F. Wells, Jr., David Landis, John Heller, Daniel Herr (Pequa), in addition to those named in the original act, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of "the Catawissa and Towanda Railroad Company," with all of the powers and subject to all of the provisions and restrictions of an act, entitled "An Act regulating railroad companies," approved on the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine. Commissioners.
Style.
Subject to provisions of certain act.

SECTION 2. The capital stock of said company shall consist of forty thousand shares, of fifty dollars each: *Provided*, That the capital stock of said company may be increased by the stockholders to a sum sufficient to enable them to carry out the provisions of this act according to its true intent and meaning. Capital stock.
Proviso.

SECTION 3. That said company shall have the right to locate, build, or construct a railroad of one or more tracks, beginning at some convenient point in the village of Catawissa, in the county of Columbia, thence up Fishing creek, or some of its branches, and through the counties of Sullivan and Bradford to a point at the State line which may give a proper and convenient connection with the New York and Erie railroad: *Provided*, That the time of commencing the said road be extended to five years from the passing of this act, and the time for completing to ten years from the same time: *And provided further*, That the gauge of the track of said railroad shall be the same as the gauge of the track of the railroads built and owned by the State; and any and every railroad hereafter constructed through any portion of Pennsylvania, from any point eastward of a line running due south across the State from the State line, beginning at the east line of Erie county, shall be of the same gauge as the railroads built and owned by the State, and no other; and if any company shall hereafter build or construct a railroad, having a southern or eastern connection with any railroad leading to or towards Philadelphia or Harrisburg, of a different gauge from the gauge of the railroads built and owned by the State, then, and in Location.
Proviso.
Gauge of track.
General gauge law.

Not applicable
to certain rail-
roads.

Second section
of act incorpo-
rating Pennsyl-
vania coal com-
pany made part
of this act.

Width of road.

Proviso to be
added to section
twelve of gene-
ral act.

Company au-
thorized to exer-
cise authority
over the part
built.

Interest on in-
stalments.

Proviso.

Repeal.

such case, all and singular the rights, powers, and privileges conferred on such company by its charter, or by any supplement thereto, shall be adjudged null and void: *Provided*, That nothing contained herein shall be construed to apply to the New York and Erie railroad, to the Tioga railroad, to the Lackawanna and Western railroad, already constructed and in operation, nor to the act fixing the gauges of railroads in the county of Erie, passed the eleventh day of March, one thousand eight hundred and fifty-one.

SECTION 4. That the provisions contained in the second section of an act entitled "A supplement to the act incorporating the Pennsylvania coal company," passed March seventh, one thousand eight hundred and forty-nine, be, and they are hereby made a part of this act.

SECTION 5. That the width of the road shall not exceed one hundred feet through forests, nor eighty feet through cleared land, except for the exceptions made in section tenth of the general act; and that at the end of section twelfth of said act the following proviso shall be added: That whenever a public road is laid, and makes use of any such bridge or causeway built, as aforesaid, for private purposes, the company or township building such road shall be required to keep up said bridge, and the railroad company shall be released from keeping up the same.

SECTION 6. That if connections can be made with other railroad or railroads using part of said route, and it shall not be found necessary to build the whole road authorized by this act, then the company shall have as full authority over the part built by them, in every respect, as though they had completed the whole road named in the foregoing bill.

SECTION 7. That the president and managers of the Catawissa and Towanda railroad company be, and they are hereby authorized to pay to the shareholders entitled to receive the same, in the months of January and July in each year, interest at the rate of six per centum per annum on all instalments paid by them, and continue to pay the same till the road shall be completed; all the profits or earnings of the said railroad, within the same time, shall be credited to the cost of construction, and all interest paid shall be charged to the cost of construction: *Provided*, That interest shall not be paid upon any share of stock upon which any instalment, which has been called for, remains unpaid: *Provided further*, That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, until said road shall be completed and in operation.

SECTION 8. That the provisions of the third section of the act of twenty-seventh March, A. D., one thousand eight hundred and forty-eight, entitled "A further supplement to the Pennsylvania railroad company," be, and the same are hereby incorporated as part of this act; and so much of the original act, to which this is a supplement, as is altered or supplied, is hereby repealed.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The sixth day of February, one thousand eight hundred and fifty-two.

WM. BIGLER.