

No. 581.

A FURTHER SUPPLEMENT

To the Donaldson Improvement and 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 it may be lawful for the Donaldson Improvement and Railroad company to pay to the shareholders of said company, a dividend not exceeding seven per centum per annum, payable semi-annually, in cash certificates of stock or in bonds of said company, and charge the same to their improvement account and credit same account with their earnings: Provided, That the president and directors shall have full power to make by-laws, and to appoint such officers and agents, as they shall deem expedient for the well conducting and transacting the business of the company.*

E. B. CHASE,
Speaker of the House of Representatives.

M. M'CASLIN,
Speaker of the Senate.

APPROVED—The fifth day of May, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 582.

AN ACT

Relating to the Sunbury and Erie Railroad Company, and the Cleveland, Painesville and Ashtabula 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 the Cleveland, Painesville and Ashtabula railroad company, as incorporated under an act of the General Assembly of the State of Ohio, passed the eighteenth day of February, Anno Domini, one thousand eight hundred and forty-eight, entitled "An act to incorporate the Cleveland, Painesville and Ashtabula railroad company," and an act supplementary thereto, passed December tenth, Anno Domini, one thousand eight hundred and fifty be and they are hereby authorized to construct and use a railroad*

Extension of
road.

with one or more tracks, commencing at and in the city of Erie, thence extending south-westwardly, by the most practicable route, on or along the Franklin canal railroad, to a point on the State line of Ohio, where it may connect with the Cleveland, Painesville and Ashtabula railroad, subject to the provisions of an act regulating railroad companies, passed the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine; and that they be and are hereby authorized to connect their road with any railroad or railroads legally authorized to come to, or to lay a road within the limits of the city of Erie: *Provided*, That all such connexions shall wholly cease, so soon as the Sunbury and Erie railroad company shall have a track or tracks open for use leading into said city, unless they shall also make a connexion therein with said Sunbury and Erie railroad, at the depots of said last named company.

Subject to provisions of certain act.

Proviso.

SECTION 2. That the said Cleveland, Painesville and Ashtabula railroad, be and they are hereby authorized and required to purchase the railroad now constructed from the city of Erie to the Ohio State line, and all the right or interest of the Franklin canal company, or any other parties in and to the same, with its appurtenances and the right of way, and all other rights and property connected therewith; and shall also purchase any shares of the said original Franklin canal company's stock at par, and pay the interest and principal on all bonds of said company, according to their tenor; and thereafter the said Cleveland, Painesville and Ashtabula railroad company may use and enjoy the said railroad, and its appurtenances, with a full release of any and all rights and claims of the Commonwealth thereto or therein; and the said Franklin canal company is authorized to make such sale and transfer to said Cleveland, Painesville and Ashtabula railroad company.

Authorized to purchase a certain railroad.

SECTION 3. That the said Cleveland, Painesville and Ashtabula railroad company, shall extend the track or tracks of their road equal in all respects, except grades to the main track, from a point west of Liberty street, being the western boundary of the city of Erie, north-eastwardly by the most practicable route to the harbor of Erie, at or near the depot grounds of the Sunbury and Erie railroad company, and have the same opened and ready for use within two years or sooner, if the said Sunbury and Erie, or any other railroad coming from an eastwardly direction, shall have one or more tracks completed to the said harbor: *Provided*, That the Sunbury and Erie railroad company shall grant such use of their depot grounds as may be agreed upon by the parties; and that the city of Erie shall grant free the right of way over and along such public streets or public grounds, as may be required for the track or tracks of said road to the harbor.

Duties of company.

SECTION 4. That all the privileges and immunities granted to the said Cleveland, Painesville and Ashtabula railroad company, in and by this act are granted upon the following terms and conditions namely:

Terms and conditions.

First, The said Cleveland, Painesville and Ashtabula railroad company, shall make such connection between their railroad and that of the Sunbury and Erie railroad company, at or near the city of Erie as may be best adapted to the safe, cheap and ready transferring of cars, passengers, baggage and freight from one road to the other, so soon as the western division of the said Sunbury and Erie railroad shall be finished; and that so soon as the said

Sunbury and Erie railroad company shall have laid down a track of road from Sunbury to Erie; then and thereafter the said Cleveland, Painesville and Ashtabula railroad company shall run their freight and passenger trains to the depots of the Sunbury and Erie railroad company, and from then and thereafter shall not grant, furnish or allow to any company whose railroad shall terminate at or pass through or near the city of Erie, nor to any company or companies whose road or roads shall connect with or be contiguous to such road terminating at or passing through or near the city of Erie, any facilities, privileges or advantages which are not equally granted and furnished to the Sunbury and Erie railroad company, nor give or furnish, or permit to be given or furnished by any agent or by any person or persons, company or companies using their road directly or indirectly, any inducement of any kind whatever, to any party to travel or to send or forward property or mail matter in either direction, on or over any railroad so terminating at or passing through or near the city of Erie, or connecting or contiguous therewith in preference to traveling or sending, or forwarding such property or mail matter on or over the said Sunbury and Erie railroad, and all passengers, property and mail matter passing over the said Sunbury and Erie railroad, or destined to pass over the same shall be received and despatched by the said Cleveland, Painesville and Ashtabula railroad company, with all proper and reasonable speed and dispatch: *Provided*, That the Commonwealth hereby reserves the right at any time that may be deemed necessary to protect her interest, to impose such taxes on the Cleveland, Painesville and Ashtabula railroad company, as may be imposed by any general tax law, upon all the railroads of this Commonwealth.

Second, The said Cleveland, Painesville and Ashtabula railroad company shall before exercising any of the rights or franchises hereby granted, subscribe for five thousand shares of the capital stock of the Sunbury and Erie railroad company, to be paid for in the bonds of the said Cleveland, Painesville and Ashtabula railroad company, as hereinafter authorized to be issued, bearing seven per centum per annum interest, payable half yearly, the principal payable in twenty years, to be secured by a mortgage of all their property, rights and franchises, and which shall be a first lien or mortgage on that part of their property in Pennsylvania, and on the rights and franchises granted or to be granted by this act; said mortgage to be executed to such trustee as shall be satisfactory to the said Sunbury and Erie railroad company; the payments in bonds on account of such subscription to be made and stock issued therefor in the same proportions and at the same times that the city of Philadelphia, shall make their payments on their second subscription of ten thousand shares to the capital stock of the said Sunbury and Erie railroad company, which said five thousand shares of stock unless otherwise agreed to by both parties, shall be inalienable until the maturity of the bonds given in payment therefor, and so declared on the face of the certificate for the same: and in all the elections or stock votes of the Sunbury and Erie railroad company, one thousand six hundred and sixty-seven shares, and no more may be voted upon by the said Cleveland, Painesville and Ashtabula railroad company.

Third, That at least three of the directors of the said Cleveland, Painesville and Ashtabula railroad company, shall be citizens of the Commonwealth of Pennsylvania.

SECTION 5. That said Cleveland, Painesville and Ashtabula railroad company be and they are hereby authorized, to issue their bonds in sums of not less than one hundred dollars each, bearing interest at the rate of seven per centum per annum, payable half-yearly, to be secured by a mortgage or deed of trust of all their property, rights and franchises to the amount of five hundred thousand dollars, and the said Sunbury and Erie railroad company are hereby authorized to receive said bonds at par in payment, as before provided, for the subscription to their stock hereinbefore authorized and directed to be made.

Bonds to be issued.

SECTION 6. That if the said Cleveland, Painesville and Ashtabula railroad company, shall in any respect knowingly and intentionally refuse or neglect to perform and comply with all and singular the terms and conditions hereinbefore recited and imposed, the fact of such refusal or neglect having been adjudged by a court of competent jurisdiction, then and in such case all the rights, privileges, powers and immunities granted to said company by this act or intended so to be, shall forthwith cease and determine: *Provided*, That nothing herein contained shall be construed to release the Cleveland, Painesville and Ashtabula railroad company from liability to the Sunbury and Erie railroad company, by reason of such refusal or neglect, but the said Sunbury and Erie railroad company may from time to time recover from said Cleveland, Painesville and Ashtabula railroad company, such damages as they may sustain therefrom.

Neglect or refusal to perform conditions to work a forfeiture of privileges.

Proviso.

SECTION 7. That immediately upon the passage of this act, the Susquehanna and Erie railroad company may assign and transfer to the Sunbury and Erie railroad company, all their estate and effects, rights, liberties and franchises, and from and after such transfer and assignment duly executed under their corporate seal, the said Sunbury and Erie railroad company shall become vested with all the estate and effects of the said Susquehanna and Erie railroad company, and shall and may exercise and enjoy all the rights, privileges and franchises of said company in their own name, and in addition to those now enjoyed or possessed by themselves, as fully as though the same had been directly granted to the said Sunbury and Erie railroad company: *Provided*, That if the said Sunbury and Erie railroad company shall under the rights and franchises transferred to them by the said Susquehanna and Erie railroad company, or under any other legislative authority, construct a railroad leading from the city of Erie to the Ohio State line, parallel with the said Cleveland, Painesville and Ashtabula railroad, or shall connect with any other such railroad, then and in such case the said Sunbury and Erie railroad company shall pay to the said Cleveland, Painesville and Ashtabula railroad company, so much as may have been paid on account of the said subscription of five thousand shares of stock, either in cash or in the bonds aforesaid, at the option of said Sunbury and Erie railroad company, and thereupon the said Cleveland, Painesville and Ashtabula railroad company shall deliver up the certificates of stock issued to them to be cancelled, and thenceforth the said Cleveland, Painesville and Ashtabula railroad company shall be and they are hereby authorized to exercise all the rights and privileges hereinbefore granted or intended, so to be freed and discharged from all and singular the terms and conditions hereinbefore imposed and provided.

Assignment.

Proviso.

Notice to be given
in writing.

SECTION 8. That before exercising any of the rights and immunities hereby granted to the Cleveland, Painesville and Ashtabula railroad company and to the Sunbury and Erie railroad company, respectively, either company shall give to the other notice in writing under their respective corporate seals, that they accept this act and agree to become bound by all the provisions and conditions therein contained, and immediately upon either of said companies giving such notice to the other, then such company shall forthwith be and become entitled to all the benefits, rights, privileges and immunities granted by this act, subject however to the performance of the terms, provisions and conditions therein contained.

E. B. CHASE,
Speaker of the House of Representatives.

M. M'CASLIN,
Speaker of the Senate.

APPROVED—The fifth day of May, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 583.

AN ACT

Supplementary to an act Incorporating the Pittsburgh and Erie Railroad company.

Transfer of rights
and privileges.

Proviso.

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 Pittsburgh and Erie railroad company be and they are hereby authorized to transfer to the Ohio and Pennsylvania railroad company, all the rights, privileges and franchises of the said Pittsburgh and Erie railroad company south and eastward from the town of New Castle, in Lawrence county, and to transfer to the said Ohio and Pennsylvania railroad company, the subscription made by Lawrence county to the capital stock of said Pittsburgh and Erie railroad company, together with the bonds issued by said county in payment of said subscription, and the said county shall be entitled to the same rights and privileges as other stockholders in said Ohio and Pennsylvania railroad company, in proportion to the amount of stock held: *Provided, That* the said Ohio and Pennsylvania railroad company shall construct a branch road from the main line of said Ohio and Pennsylvania railroad to the town of New Castle, and shall lay additional track or tracks from the south end of said branch to the city of Pittsburgh, so soon as the business on said branch road shall require: *Provided further, That* nothing in this act shall in any way interfere with or prevent the construction of