

tained by the owner or owners of property, through which said tunnel and deep cut passes; and the said deputy attorney general is hereby required and authorized to attend on behalf of the Commonwealth, before the arbitrators chosen in pursuance of this act, who shall proceed therein according to the laws regulating arbitrations now existing, due notice having been given to the said deputy attorney general of the time and place of meeting of said arbitrators, whose report, or that of a majority of them, duly filed, shall be conclusive and final between the parties; and in case the said arbitrators shall report in favor of any or all of the owners of said land, the canal commissioners are hereby authorized and required to pay the amount so reported out of the damage fund, as in other cases of damages sustained by reason of the construction of the Pennsylvania canal, together with any sum, at their discretion, not exceeding fifty dollars, as a compensation for the services of the said deputy attorney general in behalf of the Commonwealth.

D. Att. Gen'l
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Majority of
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clusive.

JAMES THOMPSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and thirty-five.

GEO: WOLF.



No. 44.

A Supplement

To the act for incorporating the Portsmouth and Lancaster Rail Road 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 shall be lawful for the Portsmouth and Lancaster rail-road company to make and construct a continuation or extension of the rail-road authorized by the act to which this is a supplement, commencing at the termination of the said rail-road at Portsmouth, and extending by one or more tracks to a convenient point in the borough of Harrisburg.

Portsmouth
and Lancaster
rail-road
extended to
Harrisburg.

SECTION 2. That in locating, constructing and maintaining the continuation of the said rail-road, hereby authorized, all such provisions of the act to which this is a supplement as are applicable to the said continuation thereof, be and the same are hereby extended to the same, as fully and effectually as if they were herein enacted at length.

Locating, &c.
act of, appli-
cable to
continuation.

SECTION 3. The provisions of the eighty-ninth section of 89th section the act to which this is a supplement, shall not be so construed of the act to as to reserve to the legislature the right to reduce the tolls which this is which may be charged by the said company below the limit a sup. not to be imposed by the eighty-second section of the same act, and that to be construed to reserve to the same tolls may be charged on the continuation of the said Leg. the right rail-road hereby authorized as are provided for by the latter to reduce section, and that the said tolls may be charged as soon as five tolls, &c. miles of the said rail-road shall be completed.

SECTION 4. If any person or persons shall wilfully and maliciously burn, break, cut, throw down or destroy the whole Penalty for wilfully injuring works. or any part of any water-station, locomotive engine, stationary engine, engine house, or other building, machinery, rope, sheeve, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, switch, turning-platform, block, wall, bridge, culvert, drain or bank, belonging to the Portsmouth and Lancaster rail-road company, or used by the said company on or about the said rail-road, or any part thereof, or stop up or obstruct the said rail-road, or any part thereof, or any engine, machinery, rope, sheeve, switch, turning-platform, culvert, drain, conduit pipe, water-station or well, belonging to the said company, such person or persons shall, for every such offence, pay all the damage arising from such burning, breaking, cutting, throwing down, stopping or destroying; and shall likewise, on conviction thereof before the Court of Quarter Sessions of the proper Conviction thereof, imprisonment, term not exceeding two years, in the jail of the proper county, not exceeding two years. or in one of the penitentiaries of the State, at the discretion of the court before whom the conviction may be had.

SECTION 5. If any person shall wantonly open or shut, or Penalty for wantonly injuring works. cause to be opened or shut, any part of a locomotive engine, stationary engine, switch, turning-platform, or machinery; upon or belonging to the said rail-road, or put such engine, machinery or rope, in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges, into any part of the said rail-road, or into any engine, machinery, switch, turning-platform or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall, or timber work on or about the said rail-road, or any bridge or place made for crossing the same, such person or persons shall, for every offence, forfeit any sum not exceeding Forfeit not exceeding \$200, and pay all damages, and on conv'n imprisonment at discretion of court, not exceeding six months. two hundred dollars, and pay all damages consequent upon such offence; and shall likewise, on conviction thereof before the Court of Quarter Sessions of the proper county, be sentenced to imprisonment in the jail of the county where such offence may be committed, at the discretion of the court before whom a conviction shall be had for a term not exceeding six calendar months.

Penalty for wilfully hauling over said rail road, or obstruct. by placing on or alongside any timber, &c.

Forfeit not exceeding \$100 and all damages; if not paid forthwith impr't. not exc. 30 ds.

Penalty for wilful riding, leading or driving any animal upon said rail road or banks or sideways.

Forfeit not exceeding \$25 and in case of default, imp't, not exceeding 14 days-

No person authorized to construct unless first obtaining permission-

Forfeit not exceeding 1000 dollars.

SECTION 6. If any person shall wilfully lead or drive, or cause to be led or driven, any horse, ox, ass or mule, hauling any stone or timber, or hauling any sled, sleigh, wagon, cart, dray, or any other thing whatsoever, except rail-road cars along or over the said rail-road, or over any bank, wall, sideway, turning-platform or fixture thereof, except at a bridge or place constructed for crossing the rail-road, or if any person shall wilfully obstruct the perfect and free use of the said rail-road, by placing any timber, stone, earth, or any other thing whatever on it, or on any side way or fixture belonging to said rail-road, such person shall forfeit and pay for every such offence any sum not exceeding one hundred dollars, and pay all damages consequent upon such offence; and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the discretion and upon the warrant of the court before whom such conviction shall be had.

SECTION 7. Every person who shall wilfully ride, lead or drive any horse, ass or mule, or who shall wilfully lead or drive any ox, sheep, swine or other cattle upon the said rail-road, or upon any of the banks or side-ways of the same, except for the purpose of hauling rail-road cars thereon, or for the purpose of conveying articles to or from the sides of the said rail-roads to be transported thereon, or delivering at their place of destination, shall forfeit and pay for each offence a sum not exceeding twenty-five dollars and pay all damages consequent upon such offence over and above the said forfeiture; and in case of default in the immediate payment of each forfeiture and damages upon conviction, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding fourteen days, at the discretion of the court before whom such conviction shall be had.

SECTION 8. No person shall construct any building, wharf, platform, switch, sideway, lateral rail-road or crossing place, or make and apply any device whatever on the ground set apart for or belonging to or forming any part of the said rail-road, or on the banks or excavations thereof, without first obtaining permission therefor from the president and directors of the said company; and if any person shall offend against this section by commencing or making any such construction, or apply such device without such permission, or shall not conform to the directions of the president and directors of the said company or their authorized agents, in respect to the location and size of such building, wharf or platform, switch or sideway, lateral rail-road, crossing place or device as aforesaid, such person shall forfeit for such offence a sum not exceeding one thousand dollars; and the president and directors of the said company, or any engineer, superintendent or other agent shall be authorized at the expense of the person thus attempting, to remove and de-

stroy every such building, wharf, platform, switch, sideway, lateral rail-road, crossing place or device as aforesaid.

SECTION 9. The president and directors of the said rail-road company shall have power from time to time to make such rules and regulations not inconsistent with the laws of this State, in respect to the form, size and structure of locomotive engines, tenders and cars used on the said rail-road, the weighing and inspection of engines, tenders, cars and their lading, the collection of the tolls authorized by this act and by the act to which this is a supplement, and in respect to all matters connected with the use and preservation of the said rail-road, and impose such fines and penalties for the breach of such rules and regulations as they may think reasonable: *Pro ided*, That no fine or penalty so imposed shall for a single offence exceed the sum of twenty-five dollars. Proviso.

SECTION 10. All penalties and forfeitures created by this act or by the rules and regulations which may be established in conformity with the ninth section thereof, shall be for the use of the Portsmouth and Lancaster rail-road company, and shall be sued for and recovered in the name and for the use of the said company as debts of equal amount are by law recoverable or in cases of offences against the seventh and eighth sections of this act, or against the rules and regulations which may be established in conformity with the ninth section thereof, by summary conviction before a justice of the peace of the county where the offence was committed, or where the defendant may be found; who shall have power in all cases where the said penalties and forfeitures are made discretionary, to fix the amount thereof, and the amount of such penalties and forfeitures when recovered, shall be paid to the treasurer of the said company: *Pro ided*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition, to the next Court of Quarter Sessions, on entering into a recognizance with one or more sufficient sureties in a reasonable amount, conditioned for the appearance of the defendant at the said court to prosecute his appeal, and the said court shall take such order thereon as to them shall appear just and reasonable, and the same shall be conclusive. Penalties and forfeitures, how sued for and recover'd.

SECTION 11. The president and directors of the said rail-road company shall have power for the purpose of conducting water from any contiguous streams to their necessary engine and water stations, to enter on and occupy not exceeding one rod in width of any adjacent lands through which it may be necessary to conduct the water they may require; and also to enter on and occupy not exceeding two acres of land at any one point where they may deem it necessary to erect engine houses, water stations, stables, shops, reservoirs or other necessary buildings, and also to enter upon any land contiguous to the said rail-road to dig for, get and carry away and use all such Power to use contiguous streams, to enter on lands for materials, &c.

stone, gravel, clay or other materials as may be necessary and proper in their opinion to repair the said rail-road or any part thereof. And if the said president and directors and the owner of the land cannot agree upon the compensation to be made for any injury or supposed injury that may be done to the said land by such entry or occupation, the same shall be assessed under the provisions of the seventy-ninth and eightieth sections of the act to which this is a supplement.

Company compelled to commence at Harrisburg at same time the road is commenced at any other point.

Mountjoy construed to mean the town of Mountjoy.

Style of Corporation.

SECTION 12. The said president and managers shall be compelled to commence operations at the borough of Harrisburg at the same time that the making of the said road is commenced at any other point, and complete said extension with the same expedition that any other part is completed, or on neglect or failure so to do, all the authority, rights and privileges hereby granted by this act shall be forfeited at the expiration of two years from its passage, and the same be null and void.

SECTION 13. The word Mountjoy in the seventy-seventh section of the act to which this is a supplement, shall be construed to mean the town of Mountjoy, in the county of Lancaster.

SECTION 14. From and after the passage of this act, the style of the said corporation shall be the "Harrisburg, Portsmouth, Mountjoy and Lancaster rail-road company."

JAMES THOMPSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and thirty-five.

GEO: WOLF.

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No. 45.

An Act

Authorizing the election and appointment of an additional constable in the towaship of North Sewickly, in the county of Beaver, and for other purposes.

Election of constables in N. Sewickly township, in co. of Beaver, and unincorp. township of the N. Liberties in Philad. co.

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 electors of North Sewickly township, in the county of Beaver, and the electors of the unincorporated township of the Northern Liberties, in the county of Philadelphia, shall annually hereafter, at the place where they meet for the