

AN ACT

Their duties

day of _____ one thousand eight hundred and ____.” Of the opening of which book, or books, four weeks notice shall be given by advertisement in two newspapers in Erie, and in any other papers which the said commissioners may direct. The said books shall be kept open for two weeks at least in each place, for the space of six hours in each juridical day, unless the capital stock of said company shall be subscribed for before the expiration of that time, when the said books shall be closed. The capital stock of said company shall

consist of one hundred thousand shares, and all persons shall be permitted to subscribe in said books who are of lawful age, either by themselves or by legally authorized attorneys in fact, and any incorporated company or body politic may be authorized to subscribe as aforesaid: *Provided*, That no subscription shall be received, unless the person so subscribing shall pay at the time of subscribing five dollars on each share so taken.

When letters
patent to is-
sue

SECTION 2. When one thousand or more shares of said stock shall be subscribed, the said commissioners, or any five of them, shall certify to the governor, by oath or affirmation, the names of the subscribers, and the number of shares taken by each, whereupon the governor shall by letters patent under his hand and the seal of the commonwealth create and erect the subscribers, together with those who may afterwards subscribe, into a body politic, and corporate, in deed and in law, by the name, style, and title, of the Erie and the North East rail road company; and by that name to have perpetual succession, with all the privileges, franchises, and immunities, incident to a corporation; and be able by the said name to sue, and be sued, plead, and be impleaded, in all courts of record, and elsewhere; and to purchase, receive, have, hold, and enjoy, to them, and to their successors, lands, tenements, and hereditaments, goods and chattels, with estates, real, personal and mixed, of what kind or quality the same may be, which may be necessary for the construction of said rail road, and for no other purpose; and make such dividends of the profits of the road from time to time, as the president and directors or a majority thereof may determine; and also to make and have, keep and use a common seal, and the same at any time to alter, or renew, and also to make and ordain such by-laws and regulations for the government of said corporation as are necessary and useful, and not contrary to the laws of the commonwealth, or of the United States: *Provided*, That the said company shall not be allowed to exercise any banking privileges, or any other liberties and privileges than such as are necessary to the making and maintaining of said road. *And provided also*, That the said road be made of the T or H rail, or such other iron rails as may be approved by the president of the board of Canal Commissioners, for the time being and duly certified to the Governor.

Com'sioners
to give notice
of election

SECTION 3. The commissioners before named, or a majority of them, as soon after the said letters patent are obtained as convenient, shall give notice by advertisement for three weeks in the papers before named, of the time and place appointed for organizing said company; at the time and place appointed as aforesaid tellers shall be elected by those present,

when a president and six directors shall be ballotted for, together with a treasurer, and a majority of the stockholders present, shall elect a president, treasurer, and directors; that said president and directors, or a majority of the same, shall appoint such other officers and agents as shall be needed in conducting the business of said company, and shall fix the compensation of the same; the said president, treasurer, and directors, shall hold their offices for one year from the said day of election when a new election shall be held: *Provided also*, That if any such election shall fail to take place, that the said company shall not thereby be dissolved, and in case any vacancy shall occur in the board from death, resignation, or refusal to act, the said vacancy shall, or may be, supplied by the directors, or a majority thereof, until the next annual election.

SECTION 4. The said president and directors shall meet at such time and place as may by them be agreed upon, and five thereof shall constitute a quorum, of whom in the absence of the president they shall pro tempore elect a chairman; they shall keep minutes of all their transactions, fairly entered in a book to be kept for that purpose, and all orders drawn upon the treasurer shall be signed by the president after a resolve to that effect has passed the board.

The number
for a quorum
and when to
meet

SECTION 5. Certificates of stock in this company shall be assignable, and if any stockholder neglect after thirty days notice to pay up the instalments of his stock, he shall be liable to pay, in addition to the said instalment, at the rate of twelve per cent for one year, on all sums which may remain due for such length of time, and a neglect or a refusal to pay during any greater length of time may be considered as a forfeiture of such stock to the company.

Stock trans-
ferable

SECTION 6. The president and managers of said company, by themselves or their agents, shall have power to construct a rail road from the borough of Erie to some point on the east boundary line of the township of North East, in the county of Erie, and for this purpose the said company shall have power by themselves, or their agents, to enter in and upon, and to occupy, any land on which the said road may be located, or which may be necessary for the use of said company, and thereon to construct said road with its necessary buildings and fixtures, and likewise to construct any bridge, or bridges, across any navigable stream, not obstructing the same, and the said company shall pay, or satisfy, the owner of such land, so taken; and if the parties cannot agree upon the compensation for the damages so done, or the land thus required, it shall

Power to con-
struct a rail
road from
Erie to North
East

be lawful for the said parties to choose five men out of any county adjoining that in which the land so required is situated, to assess the damages sustained, or value the lands taken or required by said company; and if they cannot agree upon five persons as aforesaid, then it shall be lawful for either party to apply to the court of common pleas of the county in which the land so required is situated, or in which damages have been done, who shall award a venire to the sheriff to summon a jury of seven disinterested men from any adjoining county, to come together on a given day, of which both parties shall have notice, in order to ascertain and report to the said court the damages (if any) have accrued to the owners of any lands, houses, or other buildings, injured by said company, or the value of the lands taken up by, or required, for the construction of said rail road, as the case may be; which said jury, being first sworn or affirmed, justly and equitably to assess the damages (if any) which may have been sustained, or the value of the land so required, shall proceed to estimate such damages, or the quantity and quality of the land to be occupied by the said road, taking into consideration the advantages, as well as the disadvantages of the same; and shall report the amount of damages, or value of the land, as the case may be, to the court, which report shall be confirmed in twenty days after the filing of the same, unless exceptions be entered by either, in which case, if exceptions be filed by the person claiming damages, the said company may be permitted upon giving such security as the court of common pleas aforesaid may require, for the payment of the damages that may be finally assessed, and tendering to the claimant or paying into the court the amount of damages so assessed, or the value of the lands required, to enter upon said land, and proceed with their work, subject however to the amount which the claimant may be enabled to establish on final judgment against them: *Provided always*, That in case the owner, or owners, of any of the lands through which said road shall pass, be feme covert, minors, *non compos mentis*, or living out of the state, without trustees, guardians, committees, or accredited agents, residing in the county in which their lands are situated, then it shall be the duty of the said company to make known the fact to the said court, who shall appoint some suitable person, or persons, to act in their behalf, under the control of said court; the said company shall also have power to enter upon any lands under the same regulations, to dig, take, and carry away, any earth, or stone, which may be necessary for the construction or repairing the said road: *Provided*, That neither the said company, its officers, or agents, or workmen, shall enter on lands for such purpose without the consent of the owner, until the company shall pay to such owner the amount of

Damages
how received
and assessed

damages he may sustain by entering on his lands, and the value of the earth or stone which may be required for said company, or give security for the payment of the same within six months from doing the damage, or taking such earth or stone; and in case the parties cannot agree on the amount, the same shall be fixed by three disinterested freeholders, to be appointed by one of the nearest justices of the peace, on the application of either party, with notice to the other party.

SECTION 7. The said rail road shall be so constructed as Not to obstruct a public road not to impede or obstruct the free use of any public road, street, lane, or bridge, now laid out, opened, or built, nor to interfere with any burial ground, dwelling house, or building, without the consent of the owner, and where the said road severs the lands of any person, or persons, the company shall be required to erect and maintain good and convenient crossings, either by bridges, or otherwise, where the same may be necessary.

SECTION 8. The said company shall have power to keep and maintain such motive powers as they may deem necessary Motive power for the said road, and to regulate the time and manner of travelling, the kind and description of cars to be used for the transportation of passengers, or freight, and the compensation to be received by the said company for the same: *Provided*, That the toll on any species of property shall not exceed eight cents per ton per mile, nor upon each passenger five cents per mile.

SECTION 9. At each annual meeting of the stockholders the president and directors of the preceding year shall make a Statement to statement of the condition of the company: *Provided also*, be made That whenever the president and a majority of the directors may see proper, a general meeting of the stockholders may be called, or when those representing one-third part of the capital stock shall request it.

SECTION 10. If the company aforesaid do not complete To be completed in ten the said work so as to bring it into use within ten years after the passage of this act, or after completion shall suffer the years road to go to decay and become impassable for the space of two years, then this charter shall become null and void.

SECTION 11. At the end of three years from the granting of this charter, the said company shall furnish annually thereafter an abstract of their financial condition to the auditor general, and if the said company misuse, or abuse, any of the privileges hereby granted, the legislature may resume the rights and privileges hereby granted to the said company. amount to be furnished Auditor General

SECTION 12. That the qualified electors of Armstrong county shall upon the second Tuesday of October, one thousand eight hundred and forty-two, at the same places and in

Citizens of Armstrong to elect trustees of Deanville Female Seminary the same manner and under the same laws and regulations as members of the legislature shall be chosen, elect six trustees to manage the Deanville Female Seminary in said county, who shall be so changed that none of them shall remain trustees more than three years, without being re-elected by the citizens of said county, and for that purpose it shall be the duty of said trustees at their first meeting, when not less than four of them shall be present, which number shall be a board or quorum to transact business. The said trustees shall by lot divide themselves into three classes of two each, the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years; and in order annually to supply the vacancy as the same may take place, the said qualified electors of said county shall on the second Tuesday of October in each succeeding year, elect two trustees to supply the place of the trustees going out of office, in manner and form as provided for above. *Provided always,* That in case the places of any of the trustees shall become vacant by death, resignation, or otherwise, the remaining trustees shall appoint a person, or persons, to fill such vacancy, or vacancies, until the next general election, when the class or classes in which such vacancy or vacancies may have happened shall be supplied by other persons to be elected as aforesaid; the said trustees shall have power to elect a president annually, who shall be one of the elected trustees. So much of any act as is hereby altered or supplied is repealed.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The twelfth day of April, eighteen hundred and forty-two.

DAVID R. PORTER.