

No. 265.

AN ACT

To authorize the governor to incorporate the Fishing creek, Swatara and Schuylkill 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 Thomas Baird, Thomas M. O'Brien, Mathias S. Richards, John M'Mannus, Albert G. Bradford, William Betz, William Darling, David M'Knight, Anthony F. Miller, Jacob Hoffman, Franklin Miller, William Peacock, of the borough of Reading, George Richards, Nathaniel P. Hobart, Jacob S. Yost, Robert Gue and Henry Potts, of Montgomery county, Augustus Holmes, Paul Barr, Charles Frailey, Peter Filbert, Thomas Potts, Isaac Harvey, William B. Potts, George N. Eckert, Burd Patterson, David Greenawalt, Israel Rheinhart, John Strimpfner, Peter Kutz, John Snyder, Michael Fritz, Leonard Sholl, Joseph Fertig, William Huntzinger, James B. Levan, Philip Boyer, William Lutz and John C. Kittleman, of the county of Schuylkill, Joseph Lyon, William Rawle, Charles W. Brooke, Girard Ralston, John Sergeant, Manuel Eyre, Jacob G. Morris, John Cryder, Coleman Fisher, of the city of Philadelphia, Jefferson Shirk, John George, of Lebanon county, William Donaldson, William Colt, of Columbia county, Jacob Waggonseiler, of Union county, Henry K. Strong, David Krause, Michael Burke, Frederick K. Boas, Charles A. Snyder and John Krause, of the borough of Harrisburg, or any four of them, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the fourth Tuesday in June next, procure certain books, one of which shall be opened at the Exchange, in the city of Philadelphia, one at the Mansion house, in the borough of Reading, one at the Washington hotel, in the borough of Harrisburg, and one at the house of Israel Rheinhart, in the borough of Pine Grove, in each of which they shall enter as follows: We whose names are hereunto subscribed, do severally promise to pay to the treasurer of the Fishing creek, Swatara and Schuylkill railroad company, the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An Act to incorporate the Fishing creek, Swatara and Schuylkill railroad company." Witness our hands the _____ day of _____, one thousand eight hundred and forty-four; and shall thereupon give notice in one newspaper printed in the counties of Berks, Dauphin and Schuylkill, and in the city of Philadelphia, two weeks at least previous to the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the names of any other person who shall authorize the same, for shares in the said stock; and the said books shall be kept open, respectively, for

Commissioners.

Form of subscription.

Subscriptions.

the said purpose, at least four hours in every juridical day, for the space of three days, or until there shall have been subscribed eight thousand five hundred shares; and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of eight thousand five hundred shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of two dollars and fifty cents on each and every share, for the use of the said company.

Proviso.

SECTION 2. When two thousand shares or more of the said stock shall be subscribed, and the sum of two dollars and fifty cents paid on each share as aforesaid, the commissioners or any four of them, shall certify to the governor, under oath or affirmation, the names of the subscribers and the number of shares subscribed by each, whereupon, the governor shall, by his letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "the Fishing creek, Swatara and Schuylkill railroad company;" and the said company shall have all the rights, powers and privileges of the Harrisburg and Pine Grove railroad company, and be subject to all the liabilities, provisions and restrictions, imposed on the said company, by the several sections of the act incorporating the same, from the second section of said act, to the twenty-fifth section of the same, (both sections inclusive,) passed the twenty-fourth day of March, one thousand eight hundred and forty-two, excepting such parts as are by this act altered and supplied.

Letters patent.

Name.

Powers and restrictions.

Route.

SECTION 3. The president, managers and company, of the said railroad, shall have power to survey, lay down, ascertain, mark and fix such route, as they shall deem expedient for a railroad, with as many sets of tracks as they may deem necessary, beginning in the Fishing creek gap, in the Sharp mountain, at or near the junction of Baird's run, with Fishing creek, in Pine Grove township, Schuylkill county, thence along the valley, between the Sharp and Second mountains, to the Swatara, to a point at or near the junction of Roush creek, with the same; thence on such route as the ground will permit of, to the summit between the Little Swatara and the Bear creek branch of Schuylkill, and by the valley of Bear creek, to the Reading railroad and Schuylkill canal, at the most convenient and suitable place for the accommodation of the business of the said railroad at or near the junction of Bear creek with the river Schuylkill, in West Brunswick township, Schuylkill county, with the privilege of connecting with the Reading railroad, and with the Schuylkill navigation, by a basin or otherwise, so as not to injure or impede either of said works, and also to have full power and authority to connect with the Union railroad, or the canal basin at Pine Grove, by a branch road, if it should be deemed necessary; and also to survey, examine and select, any other route which may be practicable, from the junction of the Roush creek and Lorberry creek, with the Swatara, and between that point and the town of Pine Grove, for the purpose of connecting the Swatara coal region, with the Philadelphia and Reading railroad, and the Schuylkill naviga-

tion company, along the river Schuylkill, at the most suitable point between the borough of Schuylkill Haven and the north base line of the Blue mountain, in order to enable the said company to adopt the best and most advantageous route for the transportation of coal and passengers, and the general trade and business of the district, and to connect westwardly with any railroad or canal which may be advantageous to the business of the district; the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the same to be made, a map or plot of which survey to be made, representing the different bodies of land it passes through, as near as can be ascertained, which map or plot they shall cause to be filed in the office of the secretary of the commonwealth, and also one map or plot of the same, in the recorder's office of the county through which the said road may pass, which map or plot or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by the said company: *Provided*, The said railroad shall not exceed sixty-four feet in width, excepting in deep cuts, embankments, or engine and water stations; the said road not to pass through any burying ground, or place of public worship, nor any dwelling house, without the consent of the owner thereof; nor shall it pass through any out-building of the value of three hundred dollars, without such consent being had.

Connection.

Map.

Proviso.

SECTION 4. The company shall not prevent any person or persons, being owner or owners of lands bordering on the said road or adjacent thereto, from making such lateral roads, and to connect them with the said road, from their lands, as the said person or persons may conceive necessary for the purpose of transporting their merchandize, stone, timber, produce, coal, ore or manufactured articles, along or upon the said railroad; the said company shall have power to keep and maintain such motive power as they may deem necessary for the use of the said railroad, and to regulate the same, the time and manner of travelling, and the speed at which they shall travel on the said road, the kind and description of cars, carriages, wagons or other conveyances, to be used on the same: *Provided*, That any person or persons owning coal or other products, intended to be transported on the said railroad, shall have the privilege of transporting the same on the said road, in their own cars and motive power, the same being adapted thereto, subject to the rules and regulations of the said company.

Proviso.

SECTION 5. On the completion of the said railroad, the same shall be esteemed a public highway, free for the transportation of all commodities by horse or other motive power, and the said company may charge and receive tolls on and for the transportation of goods, wares and merchandize, at the following rates, that is to say: On each ton of coal, two cents per ton, per mile; on each ton of flour, provisions, salt, gypsum, limestone and lime, two cents per ton, per mile; on each ton of iron, cast or wrought, two cents per ton, per mile; and upon iron or other ores, one and an half cent per ton, per mile; on all other articles not enumerated, toll not to exceed four cents per ton, per mile; and for every person drawn in a car or carriage, other than the person or persons employed to drive and conduct the same, two cents per mile; no person to be permitted to travel on the said railroad, with their horses or mules, except such horses or mules as are connected with the cars in transportation of coal or other articles transported on the said railroad, without the consent or permission of the said company; every person or persons using the said railroad, shall use only those kinds of cars,

Tolls.

Cars.

carriages, wagons and motive power, which shall be adapted thereto, subject to the rules and regulations which may be adopted for the government of the same; if any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they, so offending, shall forfeit and pay for every such offence, for the use of the said company, ten dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit: *Provided*, That whenever the tolls aforesaid, shall exceed twelve per centum on the capital expended in completion of the said road, the said company shall pay to the commonwealth a tax of eight per centum on all dividends which may exceed eight per centum on the capital as aforesaid.

Proviso.

Capital stock.

SECTION 6. The capital stock of said company shall be two hundred and twelve thousand five hundred dollars, but the said company shall have the power, from time to time, to increase the said amount of capital in such sums as may be necessary to execute the purpose, and to carry out the intent of this act, either by loans on the security of the road or by issuing additional shares of stock.

JAMES ROSS SNOWDEN.

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The twenty-fifth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 266.

A FURTHER SUPPLEMENT

To an act, entitled “An Act to authorize the governor to incorporate the Philadelphia and Reading railroad company.”

Agents.

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 president and managers of said company be and they are hereby authorized to appoint an agent or agents at such place or places within the United States, as they may deem proper to receive, and allow to be entered in a book or books, to be kept by said agent or agents for that purpose, transfers of the stock of said company, and that transfers of said stock may be made, either at the office of said company, or at such agency or agencies, under such regulations as the said president and managers shall adopt.