

No. 332.

A FURTHER SUPPLEMENT

To "An Act to incorporate the North Branch canal company," passed July twenty-second, one thousand eight hundred and forty-two.

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 time within which the commissioners named in the act, to which this is a supplement, may re-open the books and receive subscriptions for stock in said company, shall be extended to the first day of January, Anno Domini, one thousand eight hundred and forty-six; and the time for commencing the work thereon to the first day of May, Anno Domini, one thousand eight hundred and forty-seven; and the time for completing the same to the first of May, eighteen hundred and fifty-seven. Time for opening books, commencement and completion extended.

SECTION 2. That whenever the said "North Branch canal company" shall have completed their works, and opened the same to the borough of Athens, in the county of Bradford, they shall be deemed to possess the exclusive right to construct an artificial water communication in the valley of the North Branch of the Susquehanna, nor shall any other company, or body corporate, be authorized to construct a railway along said valley, parallel with the line of canal authorized in the act to which this is a supplement; and the said company shall be authorized and required to construct a canal, slackwater navigation or railway, up the Lackawanna river, as far as the bridge near the old forge, and have the same completed within two years after the said North Branch canal shall be made navigable, upon which canal, slackwater navigation or railway, so as aforesaid to be made up the Lackawanna river, no higher rates of toll shall be charged, than is charged and established by said company upon the main line of their canal. To construct certain works, &c.

SECTION 3. That it shall be lawful for the president and managers of said company, from time to time, to borrow such sums of money, and on such terms as they shall deem expedient for the use of said company, and to issue certificates of loan therefor, in amounts not less than five hundred dollars each, and to pledge and mortgage all or any part of the estates, tolls, improvements, privileges, effects, and assets whatsoever of said company: *Provided,* That the money so borrowed, shall not at any time exceed the sum of two hundred and fifty thousand dollars, and the bonds issued for the same shall not be sold by said company for less than their par value: *Provided,* That five hundred thousand dollars of the capital stock of said company shall be first paid in, before the provisions of this section, authorizing said company to borrow money, shall be in force: *And provided further,* That no bonds or other evidences of indebtedness shall be issued by said company, except for money borrowed by virtue of this section, and no contract shall be made by said company, for work to be done or materials furnished for the completion of the canal, payable otherwise than in cash. Borrow money. Proviso. Not to exceed \$250,000.

SECTION 4. The said company shall furnish to the legislature, on the first Monday of February, in each and every year, an abstract of the annual statement.

counts of the company, shewing the whole amount of their capital actually paid in, the amount of money borrowed, the amount of transportation, and the amount of tolls received, and the amount paid for repairs, collection and supervision in each year, which abstract shall be verified by oath or affirmation of the president of the company, for the time being.

Tolls to be charged.

SECTION 5. That the rates of toll to be authorized be charged and received by the said company, shall at no time, without the approbation of the legislature, be less than are now or may hereafter be charged on the Pennsylvania canal.

Inspection of books by legislature.

SECTION 6. That it shall at all times be lawful for a committee of the legislature, or either branch thereof, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of their charter have been by the same abused and violated; and if the officers of said corporation should refuse to be sworn or affirmed to give evidence, or to produce all such of their books or papers as may be demanded before any such committee, the legislature may, by law, declare the said charter void and repeal the same; and whenever any committee as aforesaid shall find and report, or the governor shall have reason to believe that the charter has been violated, it may be lawful for the legislature to direct, or the governor to order, a scire facias to be issued out of the supreme court of this commonwealth, which shall be executed on the president of the corporation for the time being, at least ten days before the commencement of the term of the said court, calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court, upon the return of the said scire facias, to examine into the truth of the said violations, and if such violations be made to appear, then to adjudge that the said charter is forfeited; and thereupon, and in case the legislature shall declare the said charter void, and repeal the same for the cause aforesaid, the canal aforesaid, with the appurtenances, and all the estate, real and personal, of the said corporation, shall revert to and

Governor.

Property vested in commonwealth

revest in the commonwealth, upon the payment by the commonwealth to the stockholders of the money actually expended in the completion of said canal; and until the commonwealth shall have made such payment to the managers of the said company, to be by them distributed among the stockholders, the rights, privileges, and franchises of the said corporation, shall remain as though said judgment or forfeiture had not been declared or pronounced: *Provided*, That every issue of fact which may be joined between the commonwealth and the corporation in said proceeding, shall be tried by a jury, summoned by an officer to be named by the court from the body of the state, and it shall be lawful for the court aforesaid, to require and compel the production of such of the books and papers of the corporation on such trial, as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court shall be subject to all the usages of law as in other cases.

Proviso.

Managers.

SECTION 7. That of the thirteen managers of said "North Branch canal company," provided for in the act to which this is a supplement, not less than eight shall be citizens of this commonwealth.

Repeal.

SECTION 8. That the fourth section of the supplement to the act to which this is a further supplement, passed the fourteenth day of April, Anno Domini, one thousand eight hundred and forty-three, and so much of any other provisions in said act, and the supplements thereto, as are inconsistent with the provisions of this act, be and the same is hereby repealed.

SECTION 9. That Robert A. Parrish of the city of Philadelphia, and Additional com-
E. W. Sturdevant of Luzerne county, be and they are hereby added missioners.
to the number of commissioners named in the act, to which this is a
supplement.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 333.

A N A C T

Vacating part of Old Masters' street or Masters' lane, in Penn township, in the
county of Philadelphia, and for other purposes.

WHEREAS, It is represented to the legislature that William Masters,
formerly of the county of Philadelphia, deceased, being in his lifetime Preamble.
seized and possessed of a large tract of land in the said county, laid out
through a portion of the same a road or lane of the width of fifty feet,
called Masters' lane, which road or lane by long usage is presumed to
have become a public highway; and that in consequence of the laying
out and opening of other streets agreeably to law, the westernmost part
of the said road or lane is not only rendered useless, but its continuance
would tend to retard or prevent substantial improvement; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That Vacated.

the said road or lane as the same is now laid out, opened and used from
the east line of Tenth street to the east line of Broad street, in Penn town-
ship, in the county aforesaid, be and the same is hereby vacated; and
that the title to the soil over which the same passes, be and the same
is hereby vested in fee simple in the several owners of the ground ad-
joining and fronting upon the same respectively, each owner to have and
to take one-half part thereof, so far as his respective lot adjoins and
fronts upon the same road or lane: *Provided, nevertheless,* Proviso. That the
said road or lane shall not be closed until the following streets shall have
been laid out and opened by the owners of the ground through which
the said streets pass, free from cost to the county, viz: Jefferson street,
from Tenth to Broad streets; Eleventh street, from Jefferson to Camac
streets; and Tenth street, from Old Masters' street to Jefferson street.

SECTION 2. That the provisions of the act of the third of February, Act of February
one thousand eight hundred and twenty-four, entitled "An Act relating 3, 1824, extend-
to taxes on certain real estate in the city and county of Philadelphia," ed to state taxes
are hereby extended to state taxes on real estate in the said city and in city and coun-
ty of Philadelphia