

of the aforesaid issues, to said county of Union, to be taxed and allowed against said county of Lycoming, by said court trying said issues, and to be enforced against the commissioners thereof, by attachment from said court; and said issue shall be tried at one or more adjourned courts, to be held exclusively for the trial of said issues, so as not to interfere with the regular business, in the courts of said county of Union: *And provided also*, That final judgments in said issues, shall be subject to writs of error, as in other cases to the supreme court, and in case of reversal of the same, and a *venire facias denovo* awarded, the same shall again be transferred and retried in said Union county, in the same manner as hereinbefore provided: *And provided*, That the party requesting the removal of said issues, shall before removing the same, give security in such sums or sums as the court of Lycoming county may direct, conditioned for the payment of all costs of said issues, in case final judgment is given against the party applying for the removal of the same: *Provided also*, That either party may remove any issue or issues, which may be directed or formed, in the common pleas of Lycoming county, respecting the distribution of the moneys, now in said court, arising from the sale of the real estate of John Andrew Shulze, by the sheriff of Lycoming county, in which said Augustus E. Shulze shall be made a party, to said Union county, subject to the same conditions and restrictions as hereinbefore provided for the trial of the issues before mentioned.

Proviso.

Proviso.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 151.

A SUPPLEMENT

To an act, entitled "An Act to authorize the New York and Erie railroad company to construct said road through a portion of Susquehanna county, in the state of Pennsylvania," passed the sixteenth day of February, one thousand eight hundred and forty-one.

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 act, entitled "A supplement to an act, entitled 'An Act to authorize the New York and Erie railroad company to construct said road through a portion of Susquehanna county, in the state of Pennsylvania,' passed sixteenth of February, eighteen hundred and forty-one," be and it is hereby amended, so as to authorize the said New York and Erie railroad company, to extend the line of their said railroad from a point near the village of Port Jervis, in Orange county, state of New

Authorized to extend their road through Pike county, Pennsylvania.

York, across the Delaware river, into the county of Pike, and thence up the valley and near the shore of said river, within the said county, a distance not exceeding thirty miles, to a point not exceeding ten miles above the mouth of the Lackawaxen river; and thence to re-cross the Delaware river to the easterly side thereof, in the county of Sullivan, state of New York: *Provided*, That the said road shall re-cross the Delaware river, into the state of New York, not less than three nor more than ten miles above the mouth of the Lackawaxen river: *And provided further*, That it shall be so constructed on the Pennsylvania shore as not to impede or obstruct the Delaware and Hudson canal company, in the erection of an aqueduct across the Delaware river, at or near the mouth of the Lackawaxen: *And provided further*, That said road shall be so constructed as not to obstruct the rafting navigation, nor contract the natural flow and expansion of the said Delaware river at high floods; nor shall the said railroad company in any manner disturb or injure the works, or impede the business of the Delaware and Hudson canal company: *Provided also*, That the said New York and Erie railroad shall cross the Delaware river into said county of Pike, at some point between Carpenter's point and the Glass house: *Provided also*, That the said New York and Erie railroad company shall permit a connection at or near Carpenter's point, in the county of Pike, with any railroad company now chartered, or hereafter to be chartered by this state.

Restrictions and privileges extended to the road hereby authorized to be constructed. SECTION 2. All the restrictions, prohibitions, privileges, and provisions contained in the act to which this is a supplement, relating to the road therein authorized to be constructed in the county of Susquehanna, are hereby made applicable to the road herein authorized to be built in the county of Pike; and the said New York and Erie railroad company shall at all times keep at least one manager, toll gatherer or other officer, a resident in the said county of Pike, in addition to the one directed in the aforesaid act to be kept in the county of Susquehanna.

When this act shall take effect. SECTION 3. That this act shall not take effect, until the legislature of the state of New York shall authorize, if not already authorized by them, and the said New York and Erie railroad company shall consent to a connection with the Blossburg and Corning railroad, at or near Corning; and also, a connection with the Williamsport and Elmira railroad, at or near the village of Elmira: *Provided*, That so far as relates to passengers or tonnage destined to or received from the state of Pennsylvania, said company shall so regulate their tolls and charges for motive power and transportation on said road, that they shall at no time be greater per passenger or per ton per mile on that part of their road west of Elmira, than may be charged per passenger or per ton for the same description of goods or merchandise transported over an equal distance of said road east of Elmira; and the said company shall so conduct and regulate the trade and travel on their road, whether it be with their own locomotives, cars, or other means of transportation used on said road, by their agents, contractors, or other persons, that a convenient opportunity shall be given at all points of intersection, for persons or tonnage travelling or transported on the said road, or on such railroads or other improvements as may connect with said road, to pass to or from such railroads or other improvements connecting with said road, so that equal facilities shall be given for passengers or things to pass from or to said connecting roads or other improvements, as shall be extended to passengers or things that are to be transported over the entire length or any portion of said road: *And provided*, That the said New York and Erie railroad company shall so regulate their tolls, that

Proviso.

Tolls to be regulated.

Facilities.

Proviso.

Toll on coal.

the charge on anthracite and bituminous coal shall not exceed one and a half cents per ton per mile.

SECTION 4. That full right and privileges are hereby reserved to the Reservation. legislature of this commonwealth, to authorize any company or companies that are now, or may hereafter be incorporated, for the construction of any railroad or canal to connect with the said New York and Erie railroad, at any point or place within the state of Pennsylvania.

SECTION 5. That it shall be the duty of the president and managers of said company, as soon as said railroad shall have been completed through Susquehanna and Pike counties, Pennsylvania, to prepare a full and accurate account of the costs of that portion of said road within the territory of this state, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the auditor general of this commonwealth, who shall file the statement in his office. That after said railroad shall have been completed and in operation to Dunkirk, or shall have connected at the western end with any other improvement extending to Lake Erie, said company shall cause to be paid into the treasury of this state, annually, in the month of January, ten thousand dollars; and any neglect or refusal by said company to pay as aforesaid, shall work a forfeiture of the rights and privileges granted by this act.

Account of the cost of construction to be filed in auditor general's office.

Annual payment into the state treasury of \$10,000.

SECTION 6. That the stock of said company to an amount equal to the costs of the construction of that part of their road situate in Pennsylvania, shall be subject to taxation by this commonwealth, in the same manner, at the same rate as other similar property is, or may be subject; and it shall be the duty of the said company to cause their treasurer to pay into the treasury of this state any tax to which said proportion of stock is liable; and the said company shall annually, in the month of January, make a statement to the legislature, under the oath or affirmation of the president thereof, of its affairs, and the business done upon said road during the previous year; said statement to contain a full and accurate account of the number of passengers, amount and weight of produce, merchandize, lumber, coal and minerals transported on said road, east of Dunkirk and west of Piermont.

Stock, subject to taxation.

Annual statement.

SECTION 7. That if the said company shall misuse or abuse the privileges hereby granted, or shall violate any of the privileges of this act, the legislature reserves the right to repeal this act; and for the purpose of ascertaining whether the provisions of this act have been misused, abused, or violated, it shall be lawful for the legislature to direct, or the governor to order a *scire facias*, to be issued out of the supreme court of Pennsylvania, which shall be served upon the president or any officer or agent of said corporation, at least twenty days before the commencement of the term of said court, calling on the said corporation to show cause wherefore the act hereby granted shall not be declared null and void, and the same may be proceeded in to final judgment in the manner now authorized by law in relation to writs of *quo warranto*.

Reservation.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.