

Appointment of
other officers.

SECTION 5. The board shall have the power to appoint such other officers not hereinbefore provided for as may be necessary, to provide for and regulate the admission of persons being citizens of the United States as members of the corporation, and to make all other laws and regulations necessary for the good government of the corporation, and not repugnant to the constitution and laws of the United States or of this Commonwealth.

Special meetings.

SECTION 6. Special meetings of the society shall be called by the president, or in his absence by either of the vice-presidents at the written request of fifteen members, of which meeting three days' public notice shall be given.

Repeal.

SECTION 7. The Legislature may at any time alter, amend or repeal the privileges hereby granted.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—This twenty-eighth day of January Anno Domini, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 14.

AN ACT

To annul the charter of the Franklin Canal Company.

Preamble.

WHEREAS, It is provided by the act, entitled "An Act regulating railroad companies" passed, on the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine, that if any company incorporated by special act of Assembly thereafter to be passed, shall at any time misuse or abuse the privileges granted by the said act, or by its own special act of incorporation, the Legislature may revoke all and singular the rights and privileges so granted to such company:

And whereas, It hath been judicially ascertained that the Franklin canal company, a body corporate authorized by the laws of this Commonwealth for the purpose of re-constructing or repairing the Franklin division of the Pennsylvania canal, with the privilege of constructing a railroad, and using the graded line or towing-path of the said canal as the bed thereof, and of extending from the north end thereof to Lake Erie, and from the south end thereof to Pittsburgh, and made by its charter expressly subject to all the provisions and restrictions of the said first above recited act, hath, under color of the authority and privileges thus conferred, and without re-constructing or repairing the said Franklin division, or constructing a railroad thereon or along the same, and on the pretence of an extension of a work not either completed or commenced, laid down and constructed another and independent road along and

nearly parallel with the lake shore, from the depot of the Erie and North-East railroad to the western boundary of this State, at the eastern terminus of a certain railroad within the territory of Ohio, and so as to form a continuous line with the said last mentioned road, and to constitute, as declared and represented by themselves, a part or section of another and distinct road, designated by them as the Erie and Cleveland railroad, the same being a road not known to or sanctioned by the laws of this Commonwealth, and being intended exclusively to facilitate the transit of passengers and merchandise to and from the cities of Cleveland and New York, over and through the territory of this State :

And whereas, It hath also been satisfactorily ascertained that in the pursuit and consummation of the said illegal object and purpose, the means constituting the alleged capital stock of the said company have been almost exclusively furnished by the said Ohio company, upon a contract which limited the application thereof to the said illegal purpose, and whereby the said Franklin canal company hath abdicated and transferred a large part of its corporate powers and duties to the said Ohio company, and hath moreover placed itself under a voluntary disability for an indefinite period to carry out the great ends and purposes of its creation :

And whereas, It hath been further ascertained that in the construction of the said unauthorized and illegal road, the said Franklin canal company hath in addition to the disability aforesaid, exhausted its whole alleged and authorized capital stock and resources, and incurred a considerable debt over and beyond the amount thereof, without having performed any of the obligations imposed upon it by law, and hath thereby also stripped itself of all its legitimate and available means for the accomplishment of the great primary and substantial object of its incorporation.

And whereas, It is the solemn judgment of this Legislature that the said Franklin canal company, by the said several acts and omissions hereinbefore first recited and described, hath proceeded in bad faith, and in fraud of the law and purposes of its creation, and hath been guilty of a wilful and premeditated perversion, abuse and misuse of the rights, authorities and privileges conferred upon it so gross and palpable, as to call imperatively for the exercise of the summary power of revocation reserved as aforesaid in the incorporation thereof ; now therefore, in consideration of the premises,

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 all and singular, the rights and privileges heretofore granted to the Franklin canal company, by the act of Assembly authorizing the Governor to incorporate the same, passed on the twenty-seventh day of April, Anno Domini, one thousand eight hundred and forty-four, and by the act amendatory thereof, passed on the ninth day of April, Anno Domini, one thousand eight hundred and forty-nine, or by any other act or acts of Assembly supplementary thereto, be and the same are hereby rescinded, revoked and utterly and forever annulled.

Privileges annulled.

SECTION 2. That the Governor of this Commonwealth be and he is hereby authorized and directed, to take such measures as may be deemed necessary, for the enforcing and carrying into effect the provisions of the foregoing section, together with all

Duties of the Governor.

such incidents or consequences as may legally attach to the revocation aforesaid, and to appoint a suitable person or persons, to superintend the operations of the railroad claimed by, and now in possession of said company, running west or southwest, from the city of Erie to the Ohio State line, until the same shall be further disposed of according to law.

Duties of superintendents.

SECTION 3. That it shall be the duty of such person or persons so to be appointed by the Governor, to take possession of, and keep in repair and good running order, the said railroad, for the accommodation of the public travel and business, at rates not greater than heretofore charged, and to deposit the net revenues thence to be derived, in such banks as may be designated by the Governor, at least once in every week, not to be drawn thereout without checks countersigned by the Governor, and any accumulation of such monies shall be invested in the loans of the State of Pennsylvania, in the name of the Governor, under the trust of this act, and such person or persons so to be appointed, shall give adequate security, to cover any monies that shall come into his or their hands, and receive for his or their services, a compensation not exceeding fifteen hundred dollars per annum.

sheriffs.

SECTION 4. That it shall be the duty of any sheriff of any county of this Commonwealth, and of all good citizens thereof, whenever warned or required by the Governor, or the person or persons so by him appointed as aforesaid, to aid and assist in the discharge of the aforesaid service, and they shall be and are hereby indemnified, by the Commonwealth, in all that they shall lawfully do under and in obedience to such requisition and command.

Disposition of revenues.

SECTION 5. That the trust upon which such revenue or collections or the investments thereof made as aforesaid, shall be to hold and dispose of the same as the Legislature of the Commonwealth may hereafter declare and enact, subject to any rights or obligations which may exist under the provisions of an act "regulating railroad companies," passed February nineteenth, one thousand eight hundred and forty-nine.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, one thousand eight hundred and fifty-four.

WM. BIGLER.