

NEW YORK AND ERIE RAIL-ROAD COMPANY.
An Act to incorporate the New York and Erie Rail-road Company.—Passed April 24, 1832.

The people of the State of New York represented in Senate and Assembly do enact as follows:—

§1. Samuel Swartwout, Stephen Whitney, Robert White, Cornelius Harsen, Eleazar Lord, Daniel Le Roy, William C. Redfield, Cornelius J. Blauvelt, Jeremiah H. Pierson, William Townsend, Egbert Jansen, Cha's Borland, Abraham M. Smith, Alpheus Dimmick, Randall S. Street, John P. Jones, George D. Wickham, Joseph Curtis, John L. Gorham, Joshua Whitney, Christopher Eldridge, James McKuney, James Pumpelly, Charles Pumpelly, John R. Drake, Jonathan Platt, Luther Gere, Francis A. Bloodgood, Jeremiah S. Beebe, Ebenezer Mack, Ansel St. John, Andrew Dewitt Bruyn, Stephen Tuttle, Lyman Covell, Robert Covell, John Arnott, John Magee, William M. McCay, William S. Hubbell, William Bonham, Arthur H. Erwin, Henry Brother, Philip Church, Samuel King, Walter Bowne, Morgan Lewis, William Paulding, Peter Lorillard, Isaac Lawrence, Jeromus Johnson, John Steward, junior, Henry I. Wyckoff, Richard M. Lawrence, Gideon Lee, John P. Stagg, Nathaniel Weed, Hubert Van Wagenen, David Rogers, John Hone, John G. Coster, Gould Hoyt, Peter I. Nevius, Robert Baloid, Thomas A. Ronalds, John Haggerty, Elisha Riggs, Benjamin L. Swan, Grant B. Baldwin, William Maxwell and Darius Bentley, with such other persons as shall associate with them for that purpose, are constituted a body corporate and politic by the name of "The New York and Erie Rail-road Company," with power to construct a single, double, or treble Rail-road or way, from the City of New York to Lake Erie: commencing at the city of New York or at such point in its vicinity as shall be most eligible and convenient therefor, and continue said Rail-road through the southern tier of counties, by way of Owego, in the county of Tioga, to the shore of Lake Erie, at some eligible point between the Cattaraugus Creek and the Pennsylvania line with power to transport, take and carry, property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

§2. If the said corporation hereby created shall not, within four years from the passage of this act, commence the construction of the said Rail-road, or way, and spend within one year thereafter, the sum of two hundred thousand dollars thereon, and shall not within ten years from the passage of this act, construct, finish and put in operation, one fourth part of the said Rail-road, or way, and shall not within fifteen years from the passage of this act, construct, finish and put in operation, one half of the said Rail-road, or way, and shall not within twenty years from the passage of this act, complete and put in operation, the whole of the said Rail-road, or way, or in the event of a failure by the company to construct the parts of the said Rail-road within either of the times above mentioned, then the rights, privileges, and powers of the said corporation under this act, shall be null and void.

§3. The capital stock of the said company shall be ten millions of dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-laws direct.

§4. Walter Bowne, Morgan Lewis, William Paulding, Peter Lorillard, Isaac Lawrence, Jeromus Johnson, John Steward, junior, Henry I. Wyckoff, Nathaniel Weed, Hubert Van Wagenen, David Rogers, Samuel Swartwout, John Hone, John G. Coster, Gould Hoyt, Peter I. Nevius, Robert Baloid, Benjamin L. Swan, Thomas A. Ronalds, John Haggerty, Elisha Riggs, Garret Storm, George Curtis, Richard M. Lawrence, Charles Henry Hall, Robert White, Stephen Whitney, Eleazar Lord, John P. Stagg, Saul Alley, Josiah Hedden, Thomas T. Woodruff, Michael Burnham, Gideon Lee, and Cornelius Harsen, of New York, Jeremiah H. Pierson, Cornelius J. Blauvelt, Edward Suffern, John J. Wood and Benjamin Blackledge, of Rockland, Selah Reeve, George D. Wickham, Alexander Thompson, Samuel S. Seward, Stacy Beaks and John Hallock, junior, of Orange, Randall S. Street and John P. Jones, of Sullivan, John Sudam and John Van Buren, of Ulster, James G. Elliott, of Greene, Erastus Root, of Delaware, Sherman Page, of Otsego, John C. Clarke, of Chenango, Joshua Whitney, Stephen Weed, Christopher Eldridge and Levi Dimmick, of Broome, James Pumpelly, Lyman Covell, William Maxwell, Grant B. Baldwin, Darius Bentley and

John Jackson, of Tioga, John Magee, Ira Davenport, William H. Bull and William S. Hubbell, of Steuben, Luther Gere, Andrew D. W. Bruyn and Francis A. Bloodgood, of Tompkins, Philip Church, of Allegany, Timothy H. Porter and Henry Saxton, of Cattaraugus, Thomas Campbell, Daniel G. Garnsey, Elial T. Foote, Joseph White, junior, Oliver Lee and Leverett Baker, of Chautauque, shall be Commissioners, the duty of whom it shall be, within the period of six months after the passing of this act, at some suitable place in the city of New York, and such other place as they may choose to designate, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days public notice shall be given by the said commissioners of the time and place of the opening of such books, in one of the public newspapers in each of the said places, and any five of the said commissioners shall constitute a board to receive subscriptions: and as soon as the same shall be subscribed, to give a like notice for a meeting of the Stockholders at such time and place as the said commissioners shall appoint, to choose seventeen directors, and such election shall be then and there made by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote, and the said commissioners or such of them as shall attend for such purpose, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said commissioners. And the said directors shall have power to appoint an engineer, or engineers, and to cause such examinations and surveys for the said Rail-road to be made, as may be necessary to the selection of the most advantageous line or lines for the location of the road: and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they may deem most advantageous for the said Rail-road, one of which certificates shall be filed in the office of the Register of the city of New York, and one in the office of each of the County Clerks of the several counties through which the said Rail-road, or way, shall pass, which line, course or way so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make their single, double, or treble Rail-road or ways, as hereinafter mentioned; the expenses of all such surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§5. If within three days after opening the subscription books as aforesaid, a sum exceeding ten millions of dollars shall be subscribed, the commissioners, who shall meet for that purpose, shall proceed to apportion the stock among the subscribers, and shall complete the apportionment within sixty days after the opening of said subscription, and any nine of the said commissioners shall constitute a board for the purposes of such distribution; if no more than nine of the said commissioners shall then attend for the purpose of making such distribution, and if the full amount of capital be not subscribed within three days as aforesaid, then it shall be the duty of the commissioners to open the subscription books from time to time until the whole amount shall have been subscribed: the commissioners shall receive no subscriptions unless five dollars on each share subscribed be paid at the time of subscription.

§6. The company hereby incorporated shall first construct, lay down and complete, one line or track of Rail-road from the city of New York, or from some point on the western shore of the Hudson river in the said southern tier of counties unto Lake Erie, and shall convey either passengers or materials thereon, before they shall lay down the rails of any part or portion of the second line or track of the said Rail-road.

§7. The said directors to be chosen at such meeting, or at such annual election, shall as soon as may be after such election, choose out of their own number, one President, and one other person to be Vice President: and in case of the death, resignation or absence of the President, the Vice President shall preside until the next annual election thereafter, or until another President shall be chosen: and in case of the death or resignation of the President or Vice President, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors: and in case of the absence of the President and Vice President, the board of directors shall have power to

appoint a President pro tempore, who shall have and exercise such powers and functions, as the by-laws of the said corporation may provide.

§8. In case it should at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time within sixty days thereafter.

§9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted; and may, by their agents, surveyor and engineer, enter upon, and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single, double or treble Rail-road or way, and the accommodations requisite and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, as shall be made to the said corporation for the purposes aforesaid to aid in the construction, maintenance and accommodation of said single, double or treble Rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice chancellor of the circuit within which such land lies, particularly describing the lands to be appraised, who upon such application shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties, at which time and place upon proof that the notice directed has been given, the said vice chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county in which the land described in said petition is situated, and who shall under the direction of the said vice chancellor make appraisements and determine said damages, and report in writing under their hands to the said vice chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice chancellor shall direct of the amount of said damages and the payment of all expenses; the said vice chancellor shall make an order or decree particularly describing the land and reciting the appraisal of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice chancellor, the said corporation shall be seized and possessed of such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

§10. In case any married woman, infant, idiot or insane person, or non-resident of the State, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice chancellor shall appoint some competent disinterested person to appear before the said commissioners and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

§11. The said corporation is hereby authorized to construct, erect, build, make, and use, a single, double or treble Rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, and shall have power to erect and maintain toll houses and other buildings for the accommodation of their concerns, as they may deem suitable to their interest.

§12. The said corporation shall not, at any point, connect the said single, double or treble Rail-road or ways, with any Rail-road, either of the State of Pennsylvania or New Jersey, or leading into either of the said States, without the consent