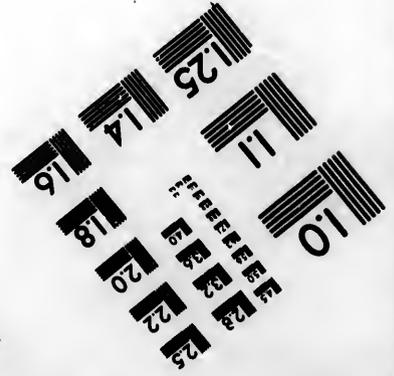
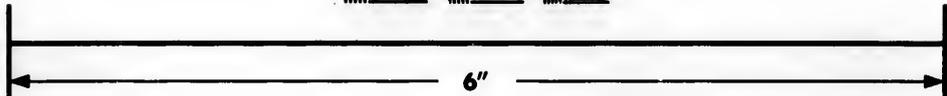
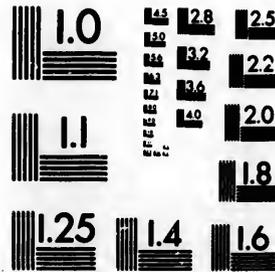


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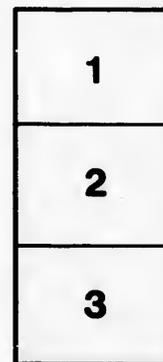
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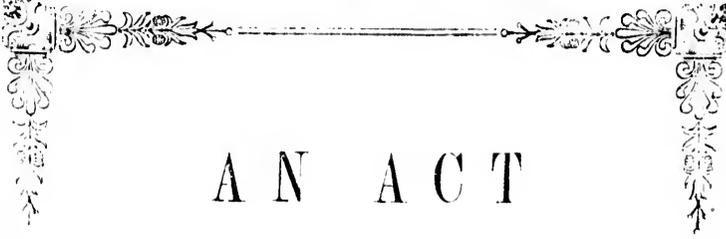
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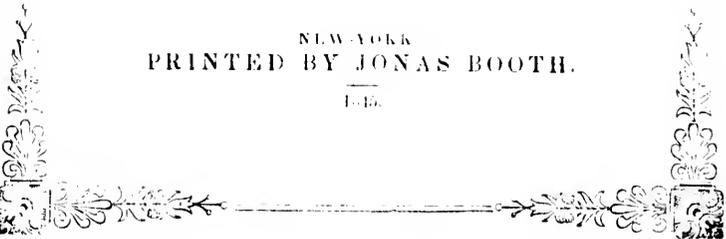
LOCKPORT AND NIAGARA FALLS  
RAIL-ROAD COMPANY.

WITH THE

SEVERAL ACTS AMENDATORY OF THE SAME.

NEW-YORK  
PRINTED BY JONAS BOOTH.

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# AN ACT

*To incorporate the Lockport and Niagara Falls  
Rail-road Company.*

Passed April 24, 1834.

*The People of the State of New-York, represented in  
Senate and Assembly do enact as follows:*

§ 1. All persons who shall become Stockholders pursuant to this Act, shall be and they are hereby constituted a body Corporate, by the name of the "Lockport and Niagara Falls Rail-road Company," with power to construct a single or double Rail-road, commencing in the village of Lockport, and running from thence on the most eligible route to the village at or near the Niagara Falls, to transport, take and carry persons and property upon the same, by the power and force of animals, or of any mechanical power, or of any combination of them which the said Company may choose to employ; and by that name they are vested with the right and privilege of erecting, building and making a single or double Rail-road for the purpose aforesaid, and the right of using the same in the manner hereinafter directed, for and during the term of fifty years. Corporation created.

§ 2. If the said Corporation hereby created, shall not within two years from the passage of this Act, commence the construction of said Rail-road, and expend at least the sum of fifty thousand dollars thereon, and shall not, within five years from the passage of this Act, finish and put in operation the said single or double Rail-road or ways, then the said Corporation shall thenceforth forever cease, and this Act shall be null and void. Time limited.

- Stock.**            § 3. The Capital Stock of said Company shall be one hundred and ten thousand dollars, which shall be divided into shares of fifty dollars each, and shall be deemed personal property.
- Commissioners.** § 4. Elisha Tibbits, Charles E. Dudley, Henry Seymour, Lot Clark, Henry Wallbridge, Joel M'Collum, John Gooding, Hiram Gardner, Augustus Porter, Seymour Scovell and Samuel De Veaux, shall be Commissioners for receiving subscriptions to the Capital Stock of the Corporation, and for apportioning the same among the subscribers, agreeably to the provisions of this act.
- Notice.**            § 5. It shall be the duty of the said Commissioners, within one year after the passage of this Act, to give notice once in each week, for three weeks in succession, in a newspaper, printed and published in the county of Niagara, of the time when the books will be opened, at some convenient place in the village of Lockport, for receiving subscriptions to the Capital Stock of said Corporation.
- Subscriptions.**    § 6. One or more of the said Commissioners shall attend at the time and place appointed by the said notice for the opening said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the Capital Stock of the said Corporation, from all persons who will subscribe thereto in conformity with the provisions of this Act.
- First Payment.**    § 7. Each subscriber at the time he subscribes, shall pay to the Commissioners five dollars on each share of the Stock subscribed by him.
- Distribution of Stock.** § 8. If at the expiration of the time mentioned in the sixth section of this Act, it shall appear that more than the requisite number of shares have been subscribed, it shall be the duty of the Commissioners to distribute the same among the subscribers in such manner as they shall deem equitable and proper.
- Additional subscriptions.** § 9. In case the Capital Stock shall not be subscribed during the time specified in the preceding sixth section, it

shall be the duty of the commissioners from time to time, to take such further measures as they may deem necessary, in order to fill the subscriptions for the Stock.

§ 10. The concerns of the Corporation shall be managed <sup>Directors.</sup> by seven directors, to be chosen annually, by and from among the number of Stockholders.

§ 11. As soon as may be, after the Stock shall have been <sup>Notice.</sup> thus apportioned, the Commissioners shall give a notice of the time and place at which a meeting of the Stockholders will be held, for the choice of Directors. Such notice shall be published once in each week for three weeks successively, prior to the time therein appointed for such election, in a newspaper printed and published in the county of Niagara.

§ 12. At the time and place appointed for that purpose, <sup>Election.</sup> the Commissioners or some of them, shall attend, and the Stockholders, or their proxies duly appointed in writing, shall proceed to elect, by ballot, the requisite number of Directors. The Commissioners, or some of them, shall preside at the election, and shall certify the result in writing under their hands, which certificate shall be recorded in the books of the Corporation, and shall be sufficient evidence of the election of the Directors therein named. All future elections shall be conducted in the manner prescribed by the By-Laws of the Corporation.

§ 13. Each Stockholder shall be allowed as many votes <sup>Votes.</sup> as he owns shares of Stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no Stockholder shall be allowed to vote at any election after the first, for any Stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

§ 14. The Directors shall hold their offices <sup>Tenure of Office</sup> one year, and until others shall be elected in their stead. They shall appoint one of their number as President, and some suitable person as Secretary of the Corporation.

**Surveys.**

§ 15. The said Directors shall have power to cause such examinations and surveys of the route for said Rail-road to be made as may be necessary to the selection by them of the most advantageous line, course or way, for the said road. And the said Directors, or a majority of them, shall, after such examinations and surveys shall be made, select, and by certificates designate the line, course or way, which they may deem most advantageous for the said Rail-road, a certificate of which, shall be filed in the office of the clerk of Niagara county, and the way so selected and certified shall be deemed the line, course or way, on which the said Corporation shall construct, erect, build or make said Rail-road, as hereinafter provided.

**Real Estate.**

§ 16. The Corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the object for which this Corporation is granted, and may, by their agents, surveyors and engineers, enter upon such route, place or places to be designated as aforesaid by the said Directors as the line, course or way, whereon to construct the said Rail-road; and it shall be lawful for the said Corporation to enter upon, and take possession and use all such lands and real estate as may be indispensable for the construction and maintenance of said Rail-road, and the accommodations requisite and appertaining unto them; and may also receive, hold and take, all such voluntary grants and donations of land and real estate as shall be made to said Corporation, to aid in the construction, maintenance and accommodation of said Rail-road or ways; but all lands or real estate thus entered, taken possession of and used by said Corporation which are not donations, shall be purchased of the owners of the same, at a price to be mutually agreed upon between them. In case of a disagreement of price, and before the making of any portion of the road upon said land, the Directors of the said Company may present their petition to the Vice-Chancellor of the eighth circuit, setting forth the necessity of such lands for making

said Rail-road or ways, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reason why the purchase cannot be made; and the said Vice-Chancellor shall direct such notice to the owner or owners of such lands as he shall deem proper and reasonable, of the time and place of hearing the parties, and upon proof of due service of such notice, and upon hearing the parties, the Vice-Chancellor shall appoint three competent, and disinterested Freeholders of said county of Niagara to appraise said lands. The said Commissioners, after giving notice to the owner, or in case of absence, leaving a written notice at his usual place of residence, shall appraise said lands, and shall award to the owner or owners thereof what they shall deem to be the full value of the same, and shall be authorized to examine the lands, to administer oaths, to hear testimony, and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, and shall report the same, with the testimony taken, to the said Vice-Chancellor. The said Vice-Chancellor shall examine the report, and shall hear the parties if desired, and may increase or diminish the amount awarded if he shall be satisfied injustice has been done. Upon proof to the said Vice-Chancellor, within thirty days after his determination, of the payment to the owner, or of the depositing to the credit of the owner in such bank as the said Vice-Chancellor shall direct, of the amount of such appraisement, and the payment of all expenses attending it, the said Vice-Chancellor shall make a decree or order, particularly describing the lands, and reciting the appraisement, and the mode of making it, and all other facts necessary to a compliance with this section of this act. And when the said decree or order shall be recorded in the office of the clerk of Niagara county, whose duty it shall be to record the same, the said Corporation shall be possessed of all the lands for the purpose of said road, and may enter upon and take possession and use the same.

Rights of infants, &c.

§ 17. In case any married woman, infant, idiot, insane person, or non-resident, who shall not appear after such notice, shall be interested in any such land, the said Vice-Chancellor shall appoint some competent and 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.

Crossing roads or streams.

§ 18. Whenever it shall be necessary for the construction of the Rail-road to intersect or cross any stream of water or water course, or any road or highway lying between the places prescribed by the first section of this act, it shall be lawful for said Corporation to construct said Rail-road or ways across or upon the same; but the Corporation shall restore the stream or water courses, or road or highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness.

Tolls.

§ 19. It shall be lawful for the Company hereby incorporated, from time to time, to regulate and receive the tolls and charges by them to be received, for transportation of persons and property on said Rail-road, but the said Company shall not charge or receive a greater sum than at the rate of four cents per mile for the transportation of any passenger and his ordinary baggage.

Penalty.

§ 20. If any person shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of said Corporation, or any machine, engine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed or impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said Corporation treble damages sustained by means of such offence or injury, to be recovered in the name of said Corporation, with costs of suit by action of debt.

Calls on Stock holders.

§ 21. It shall be lawful for the Directors to require payment of the sums to be subscribed to the capital Stock, at such times, and in such proportions and on such conditions as they shall deem fit, under the penalty of the forfeiture of

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all previous payments made thereon ; and shall give notice of the payments thus required, and of the time and place where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper, published in the county of Niagara.

§ 22. Nothing in this act shall be deemed to authorize the Erie Canal. said Corporation to construct the said Rail-road across the Erie canal, without the written authority of the canal board, who are hereby authorized to grant permission to the said Corporation to construct their said Rail-road or way across or along such canal, on receiving satisfactory evidence that it is necessary to the construction of said Rail-road or way, and that it will be done in a manner that shall not in any degree obstruct the transportation upon the said canal, or impair its usefulness ; but the canal commissioners shall have a superintending power over such parts of said road as may be laid across or along said canal, and may at any time direct such alterations to be made as they may deem necessary.

§ 23. The said Corporation shall possess the general powers General powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

§ 24. The Directors of said Company shall make an annual Annual report. report in detail of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state, and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such Rail-road, and of all moneys expended by said Company for repairs or otherwise, for the purpose of said Rail-road.

§ 25. If the legislature of this state shall, at the expiration Right to purchase road. of ten and within fifteen years from the completion of said Rail-road, make provision by law for the repayment to the said Corporation of the amount expended by them in the construction of said Rail-road, together with all the moneys

expended by them for permanent fixtures for the use of said Rail-road, with interest on such sums at the rate of ten per cent. per annum, together with all moneys expended by said Company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said Rail-road with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Right to repeal. § 26. The legislature may at any time alter, modify or repeal this act.

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## AN ACT

*To Increase the Capital Stock of the Lockport and  
Niagara Falls Rail-road Company.*

Passed March 23d, 1837

*The People of the State of New-York, represented in  
Senate and Assembly, do enact as follows :*

§ 1. The Capital Stock of the Lockport and Niagara Falls <sup>Stock increased</sup> Rail-road Company, is hereby increased to the sum of one hundred and seventy-five thousand dollars, and the President and Directors of said Company shall issue certificates of Stock of fifty dollars each, for the additional Stock hereby authorised to be created.

§ 2. The Directors of said Corporation shall receive sub-<sup>Subscriptions to</sup>scriptions for the said increase of Stock and shall distribute <sup>Stock.</sup> and dispose of the same to such persons, and in such manner as they shall deem most advantageous to the interests of the Corporation.

§ 3. Thirty days previous notice shall be given of the time <sup>Notice to be</sup> and place of opening the books for subscription to the said <sup>given.</sup> new Stock; not more than one half of said new Stock shall be allotted to the present Stockholders in said Corporation, if one half thereof shall have been subscribed by persons not Stockholders in said Corporation.

§ 4. The Directors shall have the power to equalize the <sup>Value to be</sup> value of the New Stock to the Old, by requiring payment <sup>equalized.</sup> on the New Stock, of such amount over and above the par value, as shall be equal to the interest on the old Stock, at the rate of seven per cent. per annum, from the time or times when the same was paid in.

Indian grants confirmed.

§ 5. The grant made to said Corporation, by the Chiefs of the Tuscarora Indians, in the year one thousand eight hundred and thirty-five, of a right of way over the land occupied by the said Indians, in the town of Lewiston, is hereby declared to be of the same force and effect, as if the same had been made by a citizen of this State, seized of such lands in fee simple.

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## AN ACT

*To Amend the Charter of the Lockport and Niagara Falls  
Rail-road Company, passed April 24th, 1834.*

Passed by a two-third vote, April 22d, 1841.

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows :*

§ 1. The Lockport and Niagara Falls Rail-road Company Road to be ex-  
tended. are hereby authorized to extend their Railroad from the vil-  
lage of Lockport by the most eligible route, to the western  
termination of the Auburn and Rochester Rail-road in Ro-  
chester, or to the western termination of the Tonawanda  
Rail-road in Batavia, as shall be determined by a majority of  
the Directors of the Lockport and Niagara Falls Rail-road  
Company, by resolution, to be entered in their minutes, and  
filed in the clerks' offices of the several counties through  
which such extended Rail-road shall pass.

§ 2. For the purpose of constructing a Rail-road from Capital Stock  
may be in-  
creased. Lockport to either of the points designated in the preceding  
section, the said Lockport and Niagara Falls Rail-road Com-  
pany, are authorized to increase the Capital Stock of said  
Company to such amount as the Directors of said Company  
shall decide to be necessary for that purpose, not exceeding  
five hundred thousand dollars in addition to the present  
Capital.

§ 3. The amount of such increase of Stock shall be fixed Amount, how to  
to be fixed. by the Directors by resolution; whereupon the new Stock  
hereby authorized to be created, may be issued and disposed  
of in such manner as the Directors shall deem expedient.

§ 4. In the construction, use and management of the Rail- Road how to be  
made. Road authorized by this Act, the said Company may exercise  
all the powers, and shall be subject to all the provisions and  
restrictions contained in the Act hereby amended.

## AN ACT

*Authorizing the Lockport and Niagara Falls Rail-road Company to Increase their Capital Stock.*

Passed by a two-third vote, Feb. 10, 1842.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Stock may be increased.

§ 1. The Directors of the Lockport and Niagara Falls Rail-road Company, are authorized to increase the Capital Stock of said Company to an amount not exceeding twelve hundred thousand dollars, in addition to the Capital now paid in.

Shares.

§ 2. The said Directors are authorized to alter the shares in the Stock of said Company, from fifty to one hundred dollars each.

Appraisements, how to be made in certain cases.

§ 3. The sixteenth section of the Act entitled "An Act to incorporate the Lockport and Niagara Falls Rail-road Company passed April 24th, 1834, be so altered and amended, that in case of a disagreement between the owners of the land over which the said Rail-road shall pass, and the Directors of the Company, as to the price to be paid the owners for their lands, and when it becomes necessary to apply to the Vice-Chancellor of the eighth circuit to institute proceedings to ascertain the price of such lands according to the said sixteenth section, the owners shall, on such appraisement as is provided in that section, be allowed to receive whatever damages they shall sustain, in addition to the value of their lands in consequence of the construction of the said road. And that the said sixteenth section be further amended so that the appraisement shall be made by three disinterested freeholders of the county where the lands appraised shall be situated.

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