INCEPTION OF THE PENNSYLVANIA RAILROAD COMPANY.

Early in 1844 the newspapers of Pennsylvania contained notices of a proposed plan to organize a company to purchase the main line of the State works, and to parallel the two canals between Columbia and Pittsburgh with a railway from Harrisburg to Hollidaysburg, and another from Johnstown to Pittsburgh.

As early as 1838 an act had been passed "to authorize the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania in a direction from Baltimore to the Ohio River," but owing to the delays in reaching Cumberland, the work in the State of Pennsylvania had been deferred. In June, 1839, "the period in which the Baltimore and Ohio Railroad Company were to complete the construction of these railroads" was "extended four years from the expiration of the time limited in the said act (of 1828), or until the 27th day of February, A. D. 1847." That date was only three years off, and if the business men of Philadelphia and eastern Pennsylvania hoped to prevent the merchants of Baltimore from controlling the trade of the West by continuing their railroad from Cumberland to Pittsburgh, it behoved them to take prompt measures to obtain full control of the only direct line connecting the Ohio Valley with the Delaware River. With this end in view, a bill was presented in the Legislature in Harrisburg early in the session of 1844, which occupied much of the time of the members until its final passage, April 29th, a few days before adjournment. The bill was entitled: "An act to reduce the State debt and to incorporate the Pennsylvania Canal, or Railroad Company," and provided:

That the railroad leading from Philadelphia to Columbia, and the eastern division of the Pennsylvania Canal extending from Columbia, from its junction with the Juniata division at Duncan's Island, the Juniata division extending from Duncan's Island to Hollidaysburg, the Portage Railroad from Columbia to Johnstown, and the western division of the Pennsylvania Canal from Johnstown to Pittsburgh, be offered for sale for the sum of $20,000,000, which sum shall form the capital stock of a company to be incorporated as hereinafter provided by the name of the Pennsylvania Canal and Railroad Company; and the capital stock of the said company shall be divided into shares of $100 each, making the whole number of shares of the Pennsylvania Canal and Railroad Company aforesaid two hundred thousand shares.

That Thomas P. Cope, Robert Toland, Thomas C. Rockhill, Benjamin W. Richards, Robert Patterson, Frederick Fraley, and Jacob E. Hagert, of the city of Philadelphia, John Stallman, Thomas McCully, Jacob Shearer [and twenty others] be, and they are hereby, appointed commissioners, whose duty it shall be, on receiving notice from the Secretary of the Commonwealth, to offer for sale the stock of the said Pennsylvania Canal and Railroad Company at public auction at the Merchants' Exchange, in the city of Philadelphia, giving 60 days' notice of the time and place of sale by advertisement in such daily or weekly newspapers published in New York, Boston, Philadelphia, Baltimore, Washington, Pittsburgh and Harrisburg as the
said commissioners shall select, and the said advertisement shall be inserted in the said newspapers within 30 days after receiving said notice, and continue therein daily or weekly, according as said papers may be published; and the said commissioners, or a majority of those who may be qualified agreeably to the provisions of this act, shall have power to act in the premises, and shall attend at the time and place of sale, and that said sale shall be conducted by them as hereinafter directed.

First. The said commissioners shall put and expose to sale by public outcry one share of the stock of the said company, which shall be sold to the highest bidder at a price not less than $100; and the person purchasing such share shall have the privilege to take the said share or any number of shares of the said stock not exceeding 1000, at a price per share bid for the one share so exposed and sold; and the said stock shall be paid for in the manner hereinafter provided.

Second. The purchaser or purchasers of said stock at the time of the purchase thereof shall pay in lawful money, or certificates of loan, or certificates of indebtedness of this Commonwealth, to the said commissioners, any premium or advance above the par value of the share or shares by him or them purchased; then the purchaser or purchasers thereof shall pay $5 in money, or certificates of loan; the stock to be on sale every day except Sunday.

The fourth section of the act directed the commissioners to open a book at the Merchants' Exchange, and provided the following form of subscription:

We whose names are hereunto subscribed do promise to pay to the Commonwealth of Pennsylvania the sum of $100 for every share of stock set opposite to our respective names, in money or certificates of loan of the said Commonwealth, at our option, in case one hundred and fifty thousand shares shall be subscribed in pursuance of "an act to reduce the State debt."

The fifth section provided that:

When $150,000 have been subscribed and the money paid, the said Commissioners shall certify the same to the Governor with the names of the said subscribers, and the Governor being satisfied, shall issue letters patent, create and erect the said subscribers and those who shall thereafter subscribe, into a body politic and corporate in deed and law.

The name of the corporation was to be "The Pennsylvania Canal and Railroad Company."

Other sections provided that the "rates of tolls shall not exceed the present rates without approbation of the Legislature," and "if after the expiration of twenty years from the date of the letters patent, the Legislature shall see fit to resume said works, it shall have the right to do so."

In section 23 the Governor was directed, as soon as the company is organized, to give notice to superintendents, agents, etc., now employed by the State, "to continue to discharge their duties at the same compensation."

In section 29 the Pennsylvania Canal and Railroad Company was empowered to alter the route of the Philadelphia and Columbia Railroad to avoid the inclined plane near the Schuylkill river, and to construct bridges and a proper terminus in Philadelphia.

The last section provided that the act should not go into effect unless approved by a majority of the people at the next general election.

The promoters of the company which it was proposed to establish under the Act of April 29, 1844, with a capital of twenty millions of dollars, were unsuccessful in their attempts to obtain the necessary funds for the establishment of the proposed corporation.

During the remainder of the year 1844 and in 1845, the question as to the establishment of the through rail line to Pittsburgh was discussed in the public journals.

Several plans for the sale of the State works were laid before the Legislature in 1845.

Mr. Kerr, of Lancaster, was particularly energetic in urging prompt action. Mr. Cooper, of Philadelphia, introduced a bill "calculated to effect the object of the sale without reducing the price." His plan encouraged the organization of a company to go into operation when ten million dollars were subscribed, the stockholders to elect six directors and the State three, the works to be under the joint control of these nine gentlemen.

But neither this proposition nor the others that were offered met with substantial encouragement from capitalists. The friends of the Baltimore and Ohio Railroad were active in their efforts to complete their line from Cumberland to Pittsburgh (under the terms of the
Act of June 20, 1839) before March 1, 1847. A railway was in course of construction along the east bank of the Hudson to connect New York City with Albany, which was then the eastern terminus of the chain of railways which had been completed to Buffalo in 1841. The Erie Railway, chartered in 1832, and opened from Piermont (on the Hudson river opposite Tarrytown) to Goshen in 1841, was being rapidly completed towards Binghamton with the intention of extending the line from Lake Erie to Dunkirk.

During the summer and autumn of 1845 the question of granting to the Baltimore and Ohio Railroad Company the privilege of building a road from Cumberland to the Ohio River at Pittsburgh was the all-absorbing subject which occupied public attention in many of the counties west of the Alleghenies.

The editor of the Harrisburg Argus, in September, 1845, thus criticises the editor of the Native American for advocating the construction of a branch road from Chambersburg to the Baltimore and Ohio Railroad:

A continuous railway through Pennsylvania from Philadelphia to Pittsburgh is demanded by the vast interests of the Commonwealth, and the Philadelphian who opposes it is an enemy of those interests, and though he does confess to being an American, he is no true son of Pennsylvania, and carries no Pennsylvania heart in his bosom.

A meeting, largely attended, was held at Uniontown in September in favor of a charter for the Baltimore and Ohio Railroad Company, and on the 3d of October a convention in the same interest was held at Greensburg, which was attended by many prominent citizens from Bedford, Allegheny, Westmoreland, Somerset, Fayette, Butler and Washington counties.

The Indiana Republican, under date of October 16, in discussing the proposed road, expresses great surprise at the apathy of the citizens of Eastern Pennsylvania, and stating that "Philadelphians must open their purses as the Bostonians and New Yorkers are now doing—subscribe liberally and the work will soon be accomplished."

On November 20 a meeting was held in Bedford favoring the construction of the Baltimore and Ohio Railroad. Many prominent citizens of Cambria, Huntingdon, Indiana and Westmoreland counties, however, favored the construction of the "central route," as the proposed line from Harrisburg to Pittsburgh was called. On November 23 a number of them assembled at Blairsville and adopted resolutions to the effect that "the Legislature is bound in duty to act speedily." They also urged upon that body "the necessity for such a corporation, in order that an unbroken line of railway may connect the Delaware with the Ohio."

On the eastern side of the mountains those in favor of building a continuous road from Harrisburg to Pittsburgh were equally active, feeling, as they did, that this was the only course to pursue in order to secure to Pennsylvania the great natural advantages of her central position.

The editorial columns of the journals throughout the State continued to discuss the railroad question, the attitude of the editors towards the proposed railroads depending largely upon the geographical location of the newspaper offices.

The Pennsylvanian, published in Philadelphia, under date of October 9, 1845, called attention, editorially, to the "necessity for a direct railroad connection from Philadelphia to the West," and cited the "influence which existing railroads in America and abroad now have upon commerce," saying that "a continuous road to the West is greatly needed."

The same paper made the following statement in the financial column, October 28:

The subject of a continuous railroad from Harrisburg to Pittsburgh will be brought to the early attention of the next Legislature. Various plans have been suggested to promote this important enterprise. The chief difficulty is the mode by which the money can be obtained.

If the merchants and other capitalists of Philadelphia who are deeply interested in the success of

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1 The Erie Railway was opened to Binghamton in 1848, to Elmira in 1849, to Corning in 1850, to Dunkirk in 1851.
the right of way to the Baltimore and Ohio

were adopted to the effect “That this meeting at which James Criswell presided, a resolution was passed in favor of a continuous railroad between Pittsburgh and Philadelphia. The following resolutions in relation to the Baltimore and Ohio Railroad were also adopted:

Resolved, That while we believe the construction of a continuous railroad from Harrisburg to Pittsburgh to be of the most vital importance to the interests of the entire Commonwealth, as she will thereby open a channel through her own borders for the immense trade of the Mississippi valley and the great Northern lakes, yet we are convinced that the completion of such a road would in a great measure fail in securing that important object should any other point than Pittsburgh be adopted as the termination for the Baltimore and Ohio Railroad.

Resolved, That while we believe it to be the duty of the Legislature to grant a charter for a center route, we also hold it to be a duty, in order to promote the general welfare and prosperity of our beloved Commonwealth, to grant to the Baltimore and Ohio Railroad Company the right of terminating their road at the city of Pittsburgh, as a terminus of that road at Wheeling, Parkersburg, or the mouth of Fishing creek, would inflict deep and lasting injury upon our interests, whether social, mercantile or agricultural.

Delegates were appointed to the railroad convention to be held at Harrisburg on the
GREAT MEETING IN PHILADELPHIA, DECEMBER 10, 1845.

second Monday of January, 1846. Every county was represented.

In November, 1845, arrangements were made to call the citizens of Philadelphia together at a "convention," as it was called in those days, to discuss the situation, and a call was issued, naming the tenth of December as the time, and the Chinese Museum (on Chestnut Street) as the place for the gathering to be held.

The official call for the meeting, signed by 513 citizens of Philadelphia who were prominent in legal and business circles, appeared in the Pennsylvania of December 6, 1845, reading as follows:

A notice to the following effect, signed by most of the political, commercial, professional and literary gentlemen of this city, has been handed to us for publication. We find it impossible to give all the names a place (so we omit all) today, but shall be able to do so, before the meeting, in the meantime the list can be perfected. We now add that we are sincerely rejoiced that Philadelphia and her most active and spirited citizens are at length about to act upon a subject of such immense importance to her interests as this one.

RAILROAD MEETING.

A meeting of the citizens of the city and county of Philadelphia in favor of the immediate construction of a railroad by the most direct practicable route from Harrisburg to Pittsburgh will be held in the lower saloon of the Chinese Museum building, corner of 9th and George Streets, on Wednesday, the 10th of December, at half-past seven o'clock.

The magnitude of the interests at stake upon the results of action or supineness at this crisis, when through the projects of our rivals we are threatened with the loss of our most valuable trade, can be disregarded by none who have anything to gain by the prosperity of our city, or to lose by its impoverishment, while promptness and energy in meeting the advantages now tendered to us will place Philadelphia as the acknowledged mart for the Western trade upon an eminence never before enjoyed; will secure profitable employment to its artisans, mechanics, manufacturers, and merchants, as well as increasing productivity to its real estate, it is not less certain that without the wise and vigorous exertions to which so many considerations urge us, all those interested will be greatly if not fatally, perilled.

That the means of success are providently within our reach will be abundantly proved by facts which will be presented at the meeting.

From the details of the survey, which has received the approbation of the Canal Commissioners, it has been fully ascertained that by the direct or middle route the mountains can be passed without inclined planes, and at a grade not exceeding 45 feet to the mile, upon that or any other portion of the line.

The whole length of the road to be constructed will be only 220½ miles, thus connecting this city with the Ohio at Pittsburgh by a continuous line 336 miles, or less than a single day's easy travel.

Among the names appended to the call were the following who were afterwards prominent in the affairs of the company:

Horace Binney, J. R. Evans,
John K. Kane, Wm. J. Duane,
John Sergeant, G. W. Toland,
Henry Welsh, Oliver Evans,
Wm. M. Meredith, Richard Vaux,
Roh. Toland,

The same enthusiastic paper, under date of December 9, 1845, contained an editorial urging the citizens of Philadelphia to "attend the meeting at the Museum to-morrow evening to consider and promote the establishment of a railroad to Pittsburgh." The editorial called attention to the fact that:

In July last we directed the attention of the public to the necessity and importance of this great enterprise, and we continued from time to time to point out different modes by which it could be carried into successful operation, showing also some of the many advantages that would result to our city and our State. We advocated the measure as Pennsylvanians, deeply anxious that our own Commonwealth should enjoy the superior advantages which she is possessed of. We claim no credit for having first presented the subject to the citizens of Philadelphia, nor for having been the first journal in this city that advocated the route now proposed by signers to the contemplated meeting.

The editor concluded by wishing "Success to a railroad to Pittsburgh."

The meeting was duly held; the seats in the hall were filled with Philadelphia's most prominent citizens; many were compelled to stand in the aisles. Earnest addresses were made by distinguished speakers. Enthusiasm prevailed. The inception of the Pennsylvania Railroad Company dates from that hour.
The following account of the meeting was published in the columns of the *Pennsylvanian* under date of December 11, 1845:

A large and highly enthusiastic meeting of the citizens in favor of constructing a continuous railroad between the cities of Philadelphia and Pittsburgh was held last evening in the saloon of Museum building.

On taking the chair, Mr. Thomas P. Cope made some brief and pertinent remarks on the subject of the undertaking. Mr. William M. Meredith then arose and made a speech of great power, in concluding he submitted the following preamble and resolutions, published elsewhere, which were read by Thomas Tustin, Esquire, and unanimously adopted by the vast assemblage.

The following extracts from the published address issued "To the People of Pennsylvania" by the "Committee of Nine" appointed by the meeting, are of the greatest interest, since they give a clear insight into the condition of the public mind at the time.

A meeting of the citizens of the city and county of Philadelphia favorable to the construction of a continuous railroad from Harrisburg to Pittsburgh was held on the evening of December 10, 1845, agreeably to public notice, at 7.30 o'clock, in the large saloon of the Chinese Museum. The assemblage was the largest ever held in this city on any similar occasion, and was a fair representation as well of the wealth and intelligence as of the commercial, manufacturing, and other industrial classes, and the feeling developed during the evening was of a character most favorable to the proposed improvement.

The meeting was called to order by the Hon. George W. Toland, who nominated as chairman Thomas F. Cope, Esq., and the nomination was unanimously agreed to.

On motion of John B. Myers, Esq., the following-named gentlemen were chosen to act as vice-presidents:

- John K. Kane
- Isaac W. Norris
- Robert Toland
- George W. Carpenter
- George N. Baker
- David S. Brown
- Thomas Sparks

On the motion of Thomas C. Rockhill, Esq., the following gentlemen were chosen secretaries:

- Henry Welsh
- John S. Littell
- Thomas Tustin

Mr. Cope on taking the chair made a few remarks in relation to the subject for which the meeting was called. The Bostonians have, he remarked, reached the great West by means of railroads, and are drawing from thence large supplies and a growing trade; our neighbors of New York are engaged in making a similar effort, and have commenced the construction of a railroad to achieve it; and the Baltimore and Ohio Railroad Company is endeavoring to obtain the consent of our State to carry a road across a large portion of our State to Pittsburgh, offering us as a boon for this grant the liberty to connect with the improvement at some point within our State. But to this he thought insuperable objections existed, and with the necessary outlay of at least $4,000,000 would produce no real and valuable return.

The call of the meeting stated a proposition for the erection of a continuous railroad to Pittsburgh, none of the gradients of which will exceed 45 feet to the mile, while the gradients on the Baltimore and Ohio Railroad rise as high as 84 feet. He thought, likewise, the fear of draining the State Works of their business entirely unfounded; and he was certain that when it should be known in the West that a communication between Pittsburgh and Philadelphia was open always—summer and winter—where one had previously come, ten would come to our city, and the business on the public works instead of being drained would be increased fourfold. Nature, he said, in conclusion, has done much for us, let us now see what we can do for ourselves.

The following preamble and resolutions were then offered by William M. Meredith, Esq., by whom, and by Messrs. Henry D. Gilpin, Isaac Hazlehurst and John J. McCahan, the meeting was ably and eloquently addressed in favor of the measure proposed, and the preamble and resolutions were unanimously adopted:

**Whereas,** The great Western trade, whilst it contributes the largest portion of the freight and tolls received on the public improvements, has been, and continues to be, one of the chief sources of the prosperity of Philadelphia, the loss of which would be severely felt by the State at large, and can be contemplated only with the most painful apprehensions by this community;

**And Whereas,** The most strenuous and persevering efforts have been and continue to be made by rival cities and States, particularly by the construction of railroads on our northern and southern borders—with contemplated extensions westward—to divert the trade and travel, as well from the canals and railroads of the Commonwealth as from this her chief commercial emporium, the accomplishment of which can only be prevented by timely and vigorous action on the part of our citizens and Legislature:

**And Whereas,** It has been ascertained by careful and minute surveys, made under the direction of...
RESOLUTIONS ADOPTED DECEMBER 10, 1845.

Resolved, That a committee of twenty-one be appointed by the chair to prepare and circulate for signature a suitable memorial, praying the Legislature to grant said act of incorporation; and the said committee are hereby authorized to take such further measures as in their opinion may be deemed expedient to carry into effect the important object contemplated by this meeting.

Resolved, That a committee of nine be in like manner appointed to prepare and publish an address to the people of Pennsylvania, setting forth the views and objects of this meeting.

Resolved, That the committees to be appointed in pursuance of the foregoing resolutions be authorized to fill any vacancies that may occur in their own bodies.

Resolved, That it be recommended to the citizens of other cities and counties feeling an interest in this important undertaking to hold similar meetings, and by other active measures to give their aid in securing for Pennsylvania the early completion of this great “Central Avenue” between the East and the West.

Resolved, That we disclaim all intention or desire—elsewhere imputed to us—of throwing obstacles or restraints in the way of improvements proposed to be made within this State by companies Incorporated by other States; provided the advantages anticipated therefrom cannot be conferred by improvements made under the authority of our own State. But we insist—and we believe that all who think rightly on this subject will insist—that favors of this nature should be reciprocal; that the “right of way,” with a view to the construction of canals or railroads within our borders, or other like grants by Pennsylvania to adjoining States, or to the citizens thereof, shall be made only on the condition that the right to connect with the same or other like improvements within their borders be granted by said adjoining States to Pennsylvania or to the citizens thereof. We believe that the welfare of the whole State ought not to be overlooked or lightly imperiled in order to promote sectional or local objects. We feel on these and kindred subjects as we think every true-hearted Pennsylvanian should feel; and we therefore do respectfully, but earnestly, exhort and entreat the representatives of the whole people to guard and protect the general interest, and not to permit the same to be sacrificed or placed in great jeopardy by the rival schemes or projects of other States, or the citizens thereof, designed for their aggrandizement by our impoverishment, and enabling them to reap private advantages whilst they bear no portion of the public burdens.

The Chairman announced the following as the gentlemen to compose the committees called for by the resolutions adopted:
COMMITTEE ON MEMORIALS, ETC.

David S. Brown, Philip M. Price,
Thomas P. Hoopes, E. A. Penniman,
J. Fisher Leaming, Robert Allen,
A. S. Roberts, Henry M. Watts,
B. M. Hinckman, Charles S. Wood,
Thos. Tustin, Chas. Humphreys,
James Magee, C. G. Childs,
Gideon Scull, Isaac W. Norris,
Hugh Campbell, Dr. Ab'm Helffenstein,
John Welsh, Jr., Robert Toland,
Alex. Osbourn, A. J. Lewis,
Wm. Reynolds, Townsend Sharpless,
John B. Myers, W. C. Patterson.

On motion the meeting then adjourned.

Laudatory notices of the meeting and of the address issued by the committee appeared in the newspapers of Philadelphia and throughout the eastern portion of the State, especially in the counties east of the mountains, through which it was proposed to build the railway.

In addition to the publication of these resolutions the Committee of Nine prepared a stirring address, which was published in pamphlet form and widely circulated throughout the State of Pennsylvania. This document, which called attention to the necessity for "one great line of trade and travel between the Atlantic and the West," created a pronounced sentiment in favor of the proposed railroad.

On the 19th of December a copy of the memorial prepared for general signature by the committee appointed for the purpose at the town-meeting, held on December 10, was placed in the custody of the secretary of the Philadelphia Exchange, who obtained numerous signatures thereto. This memorial read as follows:

MEMORIAL IN FAVOR OF A RAILROAD TO PITTSBURGH.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

The memorial of the undersigned citizens of Pennsylvania respectfully represents, That the immense exertions and outlay that have hitherto been made by our Commonwealth, as well as by private capital, to construct roads and canals to accommodate the great and rapidly increasing trade and travel between the Atlantic seaboard and the magnificent and teeming West sufficiently demonstrates the importance to the prosperity of our State that has always been attached to this increase.

That the exertions now being made by our neighbors on the north and on the south to construct great lines of railroad from the eastern waters to the emporiums of their respective States threaten to deprive our own Commonwealth and its chief city of the advantages they have hitherto enjoyed as the channels and recipients of those fertilizing streams of commerce.

That it has become of vital importance to the prosperity of all classes of our citizens that countervailing exertions should be made on our part to improve the advantages of position which nature has bestowed upon us by the immediate construction of a continuous line of railroad from the borough of Harrisburg to the city of Pittsburgh, thus securing at all seasons of the year an uninterrupted and rapid communication for the transit of passengers and merchandise between our Western metropolis and the city of Philadelphia.

That such a railroad can be constructed on what is known as the Middle Route, without extraordinary expense, without inclined planes and with moderate grades, constituting a most favorable and direct line of communication between the Eastern and Western waters; the whole distance on this line from Philadelphia to Pittsburgh being but 336 miles (of which 106 miles are already constructed), making an easy day's travel from city to city.

For these reasons, and others that will present themselves to the enlightened intelligence of the members of the General Assembly, we respectfully but urgently ask you to grant such a liberal act of
incorporation for a company to construct the proposed improvement as will insure the prompt subscription of the requisite amount of stock, and the speedy completion of a road so important, and in fact so essential to the best interests of the Commonwealth.

The following, from the Harrisburg Telegraph of December 31, 1845, voices the general character of the sentiments expressed:

A commendable effort is now being made for the construction of a railroad from Harrisburg to Pittsburgh by the Juniata route. The citizens of Philadelphia have awakened to the importance of such an avenue of communication and seem resolved to see it accomplished; and petitions are thickly circulated in this region for that object. The cost of a road from this point to Pittsburgh will not, in all probability, exceed eleven millions, and the abundance of capital in that city would find an investment that would not only promise good dividends, but prove of great public benefit to the State generally.

We trust the Legislature will see the propriety of granting a liberal charter for its construction.

Let such a road be constructed and the property of Philadelphia would receive such an impulse that would never be checked.

In the western counties, however, a different sentiment prevailed. The distance from Pittsburgh to Cumberland, over which the proposed railroad must be built, was 157 miles. From Pittsburgh to Harrisburg was seventy-two miles greater, thirty-six miles of which consisted of the uncertain Portage Railroad, that had proved a constant menace to the shippers at Pittsburgh.

It is not to be wondered that many of the best citizens of the western counties advocated that a connection be made with a railroad whose terminus was so much nearer, especially as the line ran to a well situated and rapidly growing seaport city.

Since 1828—seventeen years—a law had remained upon the statute books authorizing "the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania in a direction from Baltimore to the Ohio River," but in fourteen and a half months after the great meeting at the Chinese Museum this law would expire by limitation unless an extension of time be granted.

The year 1846 was the most important in the history of Pennsylvania since the foundation of the Government. During this twelve-month the commercial status of the State, especially of the city of Philadelphia, was decided for all time.

From the beginning of January to the end of December events of the greatest moment continued to excite the public mind in Philadelphia, Harrisburg, Pittsburgh and other trade centers throughout the State.

The Pennsylvanian of January 5, 1846, contained the following items concerning the Legislature, which was to assemble at Harrisburg on the following day:

The railroad fever seems to have crossed the Atlantic, and has shown symptoms of breaking out in this city. The Legislature will have strongly urged upon its notice the three leading roads to the West—the New York and Erie, the Baltimore and Ohio, and the Pennsylvania Railroad, from Harrisburg to Pittsburgh.

The editor urged caution and the "exercise of foresight to guard the interests of the public works," concluding as follows: "The Harrisburg route appeals to us most strongly because it is purely a Pennsylvania work, but it is not wanted if it will injure the State works. We believe that it will prove beneficial if properly managed."

Under date of January 6, 1846, the day the General Assembly convened, the Harrisburg correspondent of the Pennsylvanian thus comments on the attitude of the Legislature towards the bill for constructing the railroad from Harrisburg to Pittsburgh:

"The subject of continuous railroad from this place to Pittsburgh engages a large share of conversation among members. No opposition to the project is expressed, and it is not supposed any hostility will be found to granting a charter with a proper restricting of the company in regard to the right of the State in favor of her own public works. Projects for railroads are talked of in all directions. The mania for this sort of investment appears to have taken possession of the public mind,
and it need not surprise any one if it is found that a large part of the business of the session should be found to pertain to railroad making."

On the 7th of January a Harrisburg correspondent wrote: "It would not surprise me if the entire business of the session should pertain to road-making."

CONTEST IN THE LEGISLATURE.

When the General Assembly of Pennsylvania met in annual session on the 6th of January, 1846, the most important measures for consideration were the numerous petitions and memorials from different portions of the State to grant authority for the construction of a railroad from Pittsburgh to the Atlantic coast.

Two routes had been projected, one from Pittsburgh to Cumberland, to connect with the existing road to the seaboard at Baltimore, and another from Pittsburgh to Harrisburg, where connection would be made with the State road to Philadelphia.

It was of vital importance to the welfare of the eastern part of Pennsylvania and to the permanent prosperity of the city of Philadelphia that the Harrisburg route be chartered.

The friends of the "Central Road" appealed to the legislators for support on the ground that the construction of that road would prove much more advantageous to the general interests of the State than the continuance of the "present broken line." The opposition claimed that injury to the State works would ensue, and expressed the fear that "a monopoly, which may have an evil influence on the Commonwealth, might be called into existence" if a bill authorizing the construction of that road was passed.

The case was thus plainly stated by a Harrisburg correspondent to a Pittsburgh paper: "If the cause is won, the capital and enterprise of Philadelphia will be required to complete this source of immense and lasting benefit to her, for that city must struggle to retain her present position."

The convention, which met at the Harrisburg Court House on January 12, was described as "presenting an anomaly—a mixture of persons favoring the construction of the Sunbury and Erie and Williamsport and Ralston, the Central, and the Baltimore and Ohio railroads." A Philadelphia correspondent stated that "the southern and western counties have decidedly outgeneraled the others in numbers and tact. It was rumored on Monday, January 12, that the West was too strong for the balance of the State, and at the first meeting it was shown that the friends of the Baltimore and Ohio Railroad and the southern route to Pittsburgh were in the ascendant." The Pennsylvanian "laments that this condition of affairs should exist, and regrets the assemblage of a convention composed of gentlemen of respectability and means without having present a single representative of the paramount interests of Philadelphia. Philadelphia looks on with dignity, but never moves to prevent with her talent or her counsel the formation of the powerful party in favor of the rival Baltimore and Ohio Railroad."

The friends of each measure were equally earnest in their efforts to secure the passage of their bill. The people of Western Pennsylvania favored the Cumberland route, since a large portion of the through-road to Baltimore was already in operation, and they feared that the Portage over the mountain road to Harrisburg would continue to prove a formidable obstacle to the "Central" line. Numerous memorials and petitions in favor of each of these routes, and remonstrances, too, were presented to the Assembly soon after that body met.

The debate and action which finally led to the granting of the Charter to the Pennsylvania Railroad Company forms, perhaps, the most interesting chapter in the legislative history of the State.

On the first day of the session of the Senate, immediately after the report of the Committee on Rules, there was presented Bill No. 1, entitled "An act to authorize the Baltimore and Ohio Railroad Company to construct a rail-
road through Pennsylvania in a direction from Baltimore to the Ohio River, at the city of Pittsburgh."

Petitions in favor of this charter were presented by citizens of Greensburg on the 9th of January, and from Butler County on the 10th.

On the 10th a resolution was presented in the State Senate requesting the National Senators and Representatives from Pennsylvania to vote in favor of an appropriation for the purpose of making a national macadamized road from Pittsburgh to Erie. After an interesting discussion this bill was laid upon the table. A memorial was received from a "large meeting" of citizens of Allegheny on the 12th, and later that day Bill No. 1 was referred to the Committee on Internal Improvement.

On the same day a largely attended railroad convention assembled in the court house at Harrisburg, which was thus referred to by the Harrisburg correspondent of the Pennsylvania:

There is a great gathering of strangers this morning, mostly gentlemen elected as delegates to the railroad convention which is to assemble in the court house during the course of the day. Delegations from all the counties on the line of the proposed Harrisburg and Pittsburgh road from both routes are present; those from the counties through which the middle, or Juniata, route passes is perhaps the most numerous; while the southern route is not so numerously, but will be quite as ably represented. A great deal of conversation is had, both in favor and against the plan; the friends of the proposed road urging its necessity for the purpose of retaining the through trade from the West, which is endangered upon the present broken route, arguing that its completion will not affect the income of the State works, and offering to submit to such restrictions as the Legislature may see proper to guard it with; while it is opposed by others on the ground that it will affect the revenue of the State works, and that a great corporation like this will be, must in the tendency of things, become a great monopoly, and consequently have an evil influence on the affairs of the Commonwealth. The last is the most serious objection, and in the present temper of the public mind, may endanger the whole project. Although it is not thought that the charter will be refused solely on that account. There is much more danger to be apprehended from the clashing of rival interests, and

often log-rolling on local subjects is fatal to the passage of laws which will be of great public benefit. The friends of the road hope to conquer this danger, and if they do, a charter in favor of the road will be granted. It will then require the enterprise and capital of Philadelphia to complete what will be of such immense and lasting benefit to her.

With it she will be the first domestic market of the Union; without it she must struggle to retain her present position.

When the convention met the friends of the Baltimore and Ohio Railroad Company proved to be so largely in the majority that the delegates in favor of the Pennsylvania Road deemed it advisable to withdraw and organize a convention of their own. The Harrisburg Telegraph of January 14, 1846, thus discusses the situation:

THE CENTRAL ROUTE RAILROAD CONVENTION.

Delegates have assembled from all parts of the State for the purpose of promoting local as well as general interests; but when they arrived here it was obvious that the friends of the Baltimore and Ohio Railroad Company had been more industrious and outnumbered those of the Sunbury and Erie and the Juniata routes, and the consequence was that the latter, believing that they would be voted down in the convention, withdrew and organized a separate body, which organized as follows:

President, James Clark, of Westmoreland. Vice-Presidents: Hon. John Bucher, Dauphin; Chas. W. Fisher, Perry; John P. Lane, Juniata; James Crisswell, Mifflin; W. W. Houston, Centre; Elias Baker, Huntingdon; John Kean, Cambria; George Mulholland, Philadelphia; Samuel Burns, Mifflin. Secretaries: C. McCurdy, Dauphin; W. F. Reynolds, Centre; F. K. Boas, Dauphin; Moses Montgomery, Mifflin.

Resolutions were adopted as follows:

Whereas, Importance of the great Western trade demands that the chief sources of business and enterprise should be secured to the metropolis of our State, and

Whereas, The most strenuous and persevering efforts are being made by the rival cities and States to divert travel from its legitimate course, and

Whereas, It has been ascertained by careful and minute surveys, made under direction of the Canal Commissioners, that by pursuing the most direct and feasible route from Harrisburg to Pittsburgh a continuous railroad, not exceeding 229½ miles in length, without inclined planes, and with no grades
over 45 feet per mile, may be constructed at a moderate expense, and with the best prospects of adequate and profitable investment, making the whole distance from Philadelphia to Pittsburgh (including the 163½ miles already in operation) only 336 miles; being therefore better adapted to the use of locomotives, and capable of conveying freight and passengers in less time and to greater advantage than by any other known route between the eastern and western waters in this State.

Resolved, As the sense of this convention, that we deem it important to the prosperity of the Commonwealth and to the welfare of her citizens, on whom a heavy State debt has been created by the construction of her public works, that a continuous railroad from Philadelphia to Pittsburgh be constructed through the central part of the Commonwealth; thereby uniting with a double band the interests and prosperity of eastern, western and central portions of the State, and securing increased tonnage and revenue to our public improvements.

That the Senate and House of Representatives of Pennsylvania be, and they are hereby, respectfully requested to pass an act of incorporation with suitable provisions for the purpose of making a continuous railroad, by the most direct and feasible route, between Harrisburg and Pittsburgh, on such equitable and liberal terms as will at the same time secure its completion and protect the public improvements already made.

On the 14th of January the citizens of Bedford County presented a petition to the Senate in favor of a charter to the Baltimore and Ohio Railroad. A similar petition was received from Wayne County on the 16th, and again on the 19th another petition was presented. The Baltimore and Ohio Bill was reported from the committee on the 19th, but by a vote of 14 to 14 the Senate refused to enter upon its consideration. Two favorable petitions were presented on the 20th, followed by two on the 22d, which, together with three remonstrances against it, were read upon the floor of the Senate. The record of the following day states that "the Speaker read to the Senate the memorial of the Philadelphia Board of Trade remonstrating against the passage of any law granting the right of way to the Baltimore and Ohio Railroad Company through Pennsylvania to Pittsburgh." In the meantime the number of the bill had been changed from No. 1 to No. 51 upon the Senate files, and on the 23d the Senate, without division, consented to postpone the orders of the day for the purpose of proceeding to the consideration of the bill (No. 51). It was considered in Committee of the Whole for two entire days, during which time two petitions in its favor, and four remonstrances, were presented. Three petitions and four remonstrances were offered on the 26th, and three petitions on the 27th. Another petition and seven remonstrances were received on the 28th, and on the 29th a long petition from the citizens of Sharpsburg and Allegheny County was presented to the Senate, together with five remonstrances against the passage of the bill. On the 30th there were received three petitions and ten remonstrances, together with a long petition in favor of the bill from the citizens of Bedford County. On Saturday, the 31st, "the Speaker laid before the House a communication from the Select and Common Councils of the city of Philadelphia, remonstrating against granting the right of way to the Baltimore and Ohio Railroad Company, through the State of Pennsylvania, to Pittsburgh."

Notwithstanding the earnest efforts of the friends of the bill, it still remained upon the table.

Such was in detail the action in the Senate on the Cumberland, or Baltimore and Ohio route, during the first month of the session, the Harrisburg or "Central" route in the meantime having received serious consideration.

In the House of Representatives, on the 10th of January, a petition was presented from the citizens of Ebensburg in favor of "a continuous railroad from Harrisburg to Pittsburgh;" also asking the Legislature "to grant to the Baltimore and Ohio Railroad Company " a right of way through Pennsylvania to the city of Pittsburgh, and on the 12th sixteen petitions were presented for the "incorporation of a company to construct a railroad from Harrisburg to Pittsburgh." A memorial from the railroad convention, held at Harrisburg on the 12th of January, in favor of
CONTEST IN THE PENNSYLVANIA LEGISLATURE, 1846.

this project, was presented on the 14th. Seventeen additional petitions were presented on the 15th; the same day there were seven petitions in favor of the Baltimore and Ohio route. Fourteen petitions for the Baltimore and Ohio, and thirty-seven favoring the road from Harrisburg to Pittsburgh, were presented on the 19th. Seventeen petitions of a like nature were presented on the 22d, together with five remonstrances against granting the right of way to the Baltimore and Ohio Railroad.

It was on this day, January 22, 1846, that the Hon. Wm. W. Haley, representative from the city of Philadelphia, rose in the House and "presented to the chair" Bill No. 93, entitled "An act to incorporate the Pennsylvania Central Railroad Company," but it was not until February 5th that this bill (No. 93), on the motion of Mr. Haley, was referred to the Committee on Inland Navigation and Internal Improvement.

In the Senate two petitions favoring the Harrisburg and Pittsburgh road were presented on the 10th of January, and these were followed by favorable memorials, one on the 12th, three on the 13th, two on the 14th, six on the 15th, eight on the 16th, twenty-three on the 19th, nine on the 20th, and five on the 22d.

On January 22d, the same day that the bill was presented in the House, Senator William A. Crabb, of the city of Philadelphia, presented Senate Bill No. 81, "An act to incorporate the Pennsylvania Central Railroad Company." The motion that the bill be printed was agreed to, but the clause "that one hundred extra copies be printed for the use of the Senate" was stricken out, and the bill was referred to the Committee on Internal Improvement. The bills, which were identical in wording, were now before both houses of the Legislature.

The memorial from the Philadelphia Board of Trade, already noted, against granting right of way to the Baltimore and Ohio Road through Pennsylvania was presented in the Senate on January 23d, and this was followed by numerous petitions in favor of chartering the Pennsylvania road; one on January 23d, three on the 24th, two on the 26th, two on the 28th, three on the 29th, two on the 30th, four on the 31st, two on February 2d, five on the 3d, sixteen on the 4th, five on the 6th, three on the 9th, one on the 10th, five on the 11th, six on the 16th, and one on the 23d.

On the 26th of January, Bill No. 81, to incorporate the Pennsylvania Central Railroad Company, was reported to the Senate from the Committee on Internal Improvement, and 100 extra copies of the bill were ordered printed for the use of the Senate.

A month of discussion had passed without apparent progress toward a decision as to the best rail route from Pittsburgh to the seaboard, and the friends of both roads continued daily to send petitions and memorials, hoping thus to influence the decision of the Assembly, whose members were carefully weighing the advantages and disadvantages of the rival lines.

In commenting on the "Central" bill, the Pennsylvanian, under date of February 3, 1846, made the following editorial statement: "This railroad cannot be undertaken by the State, for its finances will not admit of it." The importance of the work can only be properly estimated by those who have examined the subject. It is the very life-blood of the State, and of vast importance to the Commonwealth itself." The editor also complained of lack of interest by Pennsylvanians in allowing the rival works to proceed, and stated that "the friends of the Baltimore and Ohio Railroad Company claim that Philadelphia cannot raise sufficient capital to assure the undertaking."

On February 4th, five petitions in favor of the Cumberland route and four remonstrances were received by the Senate, and on the 6th the friends of the bill made an active movement in its favor, and presented 23 petitions asking favorable action by the Senate. On the 7th, a communication from the Select and Common Councils of the city of Pittsburgh in favor of the bill were presented and read. Finally, on the 7th of February, agreeably to order, "the Senate resumed consideration of Bill No. 51," when a motion was made to post-
pone indefinitely, but the Senate adjourned without action. Thirty-three petitions in favor of the bill were presented on the following Monday (February 9th), together with two remonstrances, and nine petitions and three remonstrances were received on the 10th.

The proceedings of a meeting held in Cumberland County favorable to the bill were presented to the Senate on the 11th, together with four petitions and six remonstrances; and on the 13th there was received a petition from the Select and Common Council of the city of Allegheny, besides three additional petitions. With this pressure brought to bear upon them, the Senate resumed consideration of the bill on February 13, and the first clause, as amended, was passed by a vote of 17 to 11. At this session the friends of the Pennsylvania Railroad Company presented the amendment by the terms of which "the charter of the Baltimore and Ohio was made null and void in the subsequent year." The amendment as originally offered read as follows:

And provided also, That this act shall not go into effect before the first day of June, 1847; and that if the Legislature should, at its present session, pass an act incorporating a company to construct a railroad from Harrisburg to Pittsburgh, within the limits of this State, and five millions of dollars should be bona fide subscribed to the stock of said company, and ten per cent. on each share thereof actually paid into the treasury of said company, and not less than fifteen miles of said road commencing at Harrisburg, and a like distance commencing at Pittsburgh, put under contract for construction, of all of which the issuing of a charter or letters patent to the said company by the Governor shall be sufficient evidence, then, and in that case, this act granting the right of way to the Baltimore and Ohio Railroad Company to extend said road to Pittsburgh shall be null and void, otherwise to remain in full force and virtue.

After this amendment was presented, a resolution was offered "to postpone the question and any further consideration of the subject for the present, and that the amendment be printed." This motion was carried by the close vote of 17 to 14.

Petitions in favor of the Pennsylvania route, and remonstrances against the Baltimore and Ohio road, continued to be received in the Senate on the 14th, 16th, 17th and 18th of February; and on the latter date the Senate resumed consideration of the bill, when the amendment presented on the 13th and quoted above was lost by a vote of 9 to 21.

This was a critical time in the history of railroad legislation in Pennsylvania. Eleven amendments of a similar nature to that voted down were presented and determined in the negative during this eventful day, before the Senate adjourned, worn out in the conflict. Remonstrances against the bill were presented on the 19th and 20th, and five petitions in its favor were presented on February 25th. On the 26th the Senate resumed consideration of the bill, when nine amendments were voted down, and two proposed in the Senate were agreed to, and the bill was ordered transcribed for a third reading. Among the rejected amendments was one containing a clause making the charter null and void if the Pennsylvania Railroad Company should obtain money and begin the construction of a certain number of miles of road.

The bill had now reached a third reading. By its terms, unless it was amended, the Baltimore and Ohio Railroad Company could build from Cumberland to Pittsburgh, whether the road from Harrisburg to Pittsburgh was ever completed or not.

On the 27th of February the bill came up for final passage on third reading by a vote of 15 to 14. On the question recurring, "shall the bill pass," several other amendments were offered, which were rejected by the close vote of 14 to 16, and finally the bill, without further amendment, passed the third reading by a vote of 17 to 13, and was sent to the House of Representatives.

Petitions and remonstrances had been received in the House on February 10th, 12th, 15th, 19th and 22d; and on the 23d an independent bill similar to that presented in the Senate was offered in the House by the Committee on Inland Navigation and Internal Improvement (Bill No. 331).

On the 28th of February the Baltimore and
Ohio bill, No. 331, which had been passed by the Senate, was reported to the House and referred to the Committee on Inland Navigation and Internal Improvement.

On the 5th of February, House Bill No. 93, to incorporate the Pennsylvania Railroad Company, was referred to the Committee on Inland Navigation and Internal Improvement in the House of Representatives, but this bill was never reported from the Senate, being replaced by Senate Bill No. 81, which was presented for concurrence from the Senate on the 27th of February, and known in the House as No. 364. On March 3d this bill was reported from the Committee on Inland Navigation and Internal Improvement, with amendments; and Mr. Hill, of Fayette, from the same committee, reported a bill from the Senate, No. 398, entitled "An act to authorize the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania in a direction from Baltimore to the Ohio river to the city of Pittsburgh."

On the 16th of February the Senate resolved itself into Committee of the Whole, Mr. Darsie in the chair, for consideration of the bill entitled "An act to incorporate the Pennsylvania Central Railroad Company," and "after some time the committee rose and reported the same with amendments." The motion to proceed to the second reading and consideration of the bill was lost by a vote of 13 to 17, the speaker voting with the majority. In this, which was the first test vote in the Senate, the favorable votes were cast by the Senators from the counties of Philadelphia, Clearfield, Indiana, Cambria, Armstrong, Washington, York, Crawford, Venango, Northumberland, Dauphin, Huntingdon, Bedford, Schuylkill, Carbon, Monroe, Pike, Lancaster, Lebanon, Chester and Delaware; while the Senators from Berks, Northampton, Lehigh, Susquehanna, Wayne, Wyoming, Bradford, Tioga, Lycoming, Clinton, Centre, Luzerne, Columbia, Franklin, Adams, Westmoreland, Somerset, Fayette, Green, Allegheny, Butler, Erie, Warren, Jefferson, Clarion, McLean and Potter voted in opposition to the prompt consideration of the bill.

On the 15th of February, by a vote of 19 to 10, Bill No. 81 was taken up, section by section being discussed and amended during the whole of that day. Consideration of the bill was resumed on February 20th, when a number of amendments were agreed to.

On the evening of February 22 a great town-meeting was held in the Chinese Museum to consider the interests of the citizens of Pennsylvania in the proposed grants to the Baltimore and Ohio Railroad. Mayor John Swift and Alderman Griscom presented resolutions adverse to the proposed road from Pittsburgh to Cumberland and urging the members of the Legislature from the city and county of Philadelphia to vote against the bill in favor of the southern route. To these resolutions Senator Gibbons, of Philadelphia, replied that he differed with the committee appointed at the meeting of the town-meeting on the evening of Washington's birthday on the ground that the construction of the proposed road would be of great damage to the business of the public works and reduce the revenues of the State.

The Senate again considered the bill on the 23d of February, and also on the 24th, when, at the close of the day, the committee arose and the Chairman reported the bill amended agreeably to the instructions of the Senate. On the question of final passage, two Senators, representing the districts of Clinton, Lycoming and Centre withdrew from the opposition to vote in favor of the bill; as Senator Black, from the counties of Fayette and Green, who had also been classed with the opposition, failed to vote, the bill passed a third reading by a vote of 16 to 13, and the clerk was ordered to present the same to the House of Representatives for concurrence.

Although at the end of the second month of discussion the Assembly had not adopted a bill, the question was approaching a solution.

On the 3d of March the Baltimore and Ohio bill (331) was reported to the House from the committee, and earnest discussion was renewed. An attempt to make the bill the special order
of the day failed on March 10, under the two-thirds rule, and on the 11th by special resolution, the bill was made "the order of the day for to-morrow." On the 10th of March the House resolved itself into Committee of the Whole, Mr. Trego in the chair, for the first reading of the bill from the Senate, No. 364, entitled "An act to incorporate the Pennsylvania Railroad Company." On the 12th the House was again resolved into Committee of the Whole, Mr. McCurdy in the chair, and after some time the speaker resumed his place, and the Chairman reported the Baltimore and Ohio bill without amendment. Immediately after this report the "Act to incorporate the Pennsylvania Railroad Company" came up for second reading, and the motion to postpone being disagreed to, that bill was finally put on passage by the close vote of 47 to 46, and both bills were ordered printed and made the special order for the day, "for Monday next," the 16th of March, by a vote of 49 to 45. The bill 364, entitled "An act to incorporate the Pennsylvania Railroad Company," being nearer the head of the list, came up first for consideration on the 16th of March, when several amendments were favorably acted upon, and March 17th the first nine sections of the Pennsylvania bill were discussed and agreed upon. This bill occupied the attention of the House during the whole of the 18th of March, the votes on the several sections varied as follows: 47 to 49, 45 to 50, 46 to 49, after which the House adjourned.

On the 19th of March the House resolved to meet in the evening until the bill was decided upon, and on that day the discussion of the bill was resumed, and the title "was considered and agreed to, and it was ordered that the bill be prepared for the third reading." Under suspension of the rule prohibiting the reading of bills twice on the same day, the bill finally passed on third reading and, with the amendments, was ordered to be forwarded to the Senate without division.

On March 23rd the Senate by a vote of 16 to 15 refused to consider the "Central" bill with the amendments, but on the 24th the friends of the bill were more successful, and it was taken from the table by a vote of 19 to 10, when more of the House amendments were agreed to. On the 25th, by the close vote of 16 to 14, the amended bill was again taken from the table. After much discussion all but three amendments submitted by the House were agreed to, and the clerk was instructed to return the same with the amendments which were not concurred in. On the 27th the bill was returned from the House, which had receded from the amendments proposed by that body.

The Senate having concurred in the amendments offered by the House, returned the bill to the House on the 26th of March, when the amendments offered by the Senate were concurred in, and the bill was finally passed by the House.

The Pennsylvania, on the 28th of March, stated: "The Pennsylvania Railroad bill having passed the Legislature, we now await the action of the Governor. The result must prove very restrictive and obnoxious if the capitalists of Philadelphia do not exert their whole energies and a large amount of their means towards the construction of this road. This we learn they are willing to do."

On the 2d of April a committee to compare bills reported that they had on this day presented to the Governor for his approbation a bill entitled as follows, to wit: "An act to incorporate the Pennsylvania Railroad Company."

The fate of the bill granting a charter to the Pennsylvania Railroad Company now rested with Governor Shunk, who was understood to be favorable also to the passage of the Baltimore and Ohio Bill.

Will the Governor sign the bill? was a question frequently asked in the eleven days that he withheld his signature after that important document reached him.

During these days of suspense great pressure was brought to induce the Governor to return the bill to the Assembly unapproved;
and it was not until after the supplementary act, declaring that the Legislature had a right "to pass such additional laws as may be deemed expedient in furtherance of the object contemplated by said act, and for the better enforcement of the provisions thereof," that he finally concluded to approve the act, and on April 13, 1846, he affixed his official signature to the bill upon which the organization, construction and extension of the Pennsylvania Railroad is based.

IN COMMEMORATION OF THE FACT THAT THE LAW GRANTING A CHARTER TO THE PENNSYLVANIA RAILROAD COMPANY WENT INTO EFFECT APRIL 13, 1846, THESE PAGES ARE PUBLISHED A HALF CENTURY LATER.

THE BALTIMORE AND OHIO BILL.

Having traced the progress of the act incorporating the Pennsylvania Railroad Company through the Assembly, let us note the course of the rival measure through the multifarious mazes of legislation.

The House of Representatives having at last disposed of the bill incorporating the Pennsylvania Railroad Company, the "Act to authorize the Baltimore and Ohio Railroad Company to construct a railroad from Cumberland to Pittsburgh" was taken up by that body on the 20th of March, when the following amendment was directed to be inserted by the close vote of 50 to 48. The change of one vote on that day would have made it possible for the Baltimore and Ohio Railroad to have established the desired connection between Pittsburgh and Baltimore, which would have been of such great detriment to the State of Pennsylvania:

And provided also, That this act shall not go into effect before the thirteenth day of July, eighteen hundred and forty-seven; and if the Legislature, during its present session, shall pass an act incorporating a company with authority to construct a railroad from Harrisburg to Pittsburgh, within the limits of this State, and three millions of dollars should be bona fide subscribed to the stock of said company, and ten per cent on each share be actually paid in, and letters patent be issued by the Governor, in conformity to the provisions of said act, within one year from the passage thereof; and if thirty miles or more of said road should be put under contract for construction, and satisfactory evidence thereof be furnished to the Governor on or before said thirteenth day of July, eighteen hundred and forty-seven, then, and in that case, the Governor shall issue his proclamation, setting forth that fact; and thereupon this act granting the right of way to the Baltimore and Ohio Railroad Company to extend their road through this State to the Ohio river at Pittsburgh shall be null and void; otherwise, to remain in full force and effect.

The interest taken in this question is fully shown by the fact that every member of the House of Representatives was present and voted, save Mr. Patterson, of Huntingdon, who was in favor of the amendment. Nothing further was done with the bill until the 6th of April, when it was again taken up, as amended, by a vote of 45 to 40. Attempts to take up the bill again on the 7th and 8th failed. The friends of the bill again attempted to pass it on the 9th, but it was postponed by the close vote of 46 to 47. It was again taken up on the 10th, when the following amendment was agreed to by a vote of 51 to 47:

Provided, however, That the preceding provision shall be of no force or effect unless the stockholders of said Pennsylvania Railroad Company shall pay into the treasury of said company a further installment or instalments amounting to twenty per cent on each share of the stock subscribed on or before the 30th day of July, 1847.

And provided further, That at least one-half of the portion of the railroad of said company, which is hereinbefore required to be put under contract for construction before the said 30th day of July, 1847, shall be at the western terminus thereof, commencing at the city of Pittsburgh and extending eastwardly.
By a vote of 52 to 46 the bill was again taken up on April 13, the date of the signing of the "Pennsylvania Railroad Bill" by the Governor. It was discussed on the 14th and 15th, when it was further amended by the close votes of 53 to 45, 52 to 46, and 50 to 48. An amendment to the effect that the question of granting the privilege to the Baltimore and Ohio Railroad Company should be submitted to a popular vote in the State was lost by a close vote of 48 to 51 on the 15th instant. On the 16th the 4th, 5th and 6th sections were amended and agreed to, the votes in every case being close. On the 16th a new section was added to the bill by the vote of 58 to 33, as follows: "That the Legislature hereby reserves the right to alter, revoke or annul the privileges herein conferred whenever, in their opinion, the interests of the Commonwealth may require it, in such manner, however, that no injustice shall be done to the Baltimore and Ohio Railroad Company." The bill was then ordered to a third reading; an attempt to pass it that day by a suspension of the order, failed under the two-thirds rule. On the 17th the bill was finally passed by a vote of 51 to 45, and the clerk was directed to return the bill to the Senate and request their concurrence in the amendments made by the House. The bill was promptly reported in the Senate on the same day, where it was formally taken up on April 18th, and the amendment, so important to the Pennsylvania Railroad Company, was stricken out, and the following amendment inserted in its place by the close vote of 16 to 15:

Sec. 16. And provided also, That this act shall not go into effect, if letters patent be issued by the Governor of this Commonwealth to the Pennsylvania Railroad Company, and three millions of the stock of said company shall be bona fide subscribed by responsible individuals, and one million of dollars in cash shall be actually paid into the treasury of said company on account of stock subscribed on or before the first day of January, 1847, and bonds contracts made on or before the thirtieth day of July, 1847, for the immediate construction of fifteen miles of continuous railroad from Harrisburg westward, and fifteen miles of continuous miles of railroad from Pittsburgh eastward. The necessary proof of the performance of the first condition herein mentioned shall also be furnished to the Governor on or before the first day of January, 1847; and the necessary proof of the performance of the second condition herein mentioned shall also be furnished to the Governor on or before the thirtieth day of July, 1847; which said several proofs shall consist of certificates setting forth the facts, authenticated by the seal of the said company and the oaths or affirmations of the president and secretary thereof.

Several other amendments were agreed to, two unimportant ones being non-concurred in, when the Senate finally agreed to the important 16th section by a vote of 15 to 14, and the bill was again sent back to the House of Representatives, which agreed to the new amendments, but added another.

The bill again went to conference, and on the 20th of April, the last day but two of the session, the clerk of the Senate reported to the House "that the Senate has concurred in the amendments made by the House of Representatives," and the committees having reported that they had compared the bill, it was forwarded to the Governor, who, under date of April 21, informed the Senate and House of Representatives that among the laws that he had approved and signed "An Act to Authorize the Baltimore and Ohio Railroad Company to Construct a Railroad through Pennsylvania in a direction from Baltimore to the Ohio River at the City of Pittsburgh," was included.

The insertion of the third proviso of the first section of the act was a masterly stroke by the friends of the Pennsylvania Railroad. The author is not familiar with another act of legislation where the vital privilege is contained in a proviso incorporated in a rival measure.

The provisions of the law were as follows:

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
THE BALTIMORE AND OHIO RAILROAD BILL. 215

enacted by the authority of the same, That the assent of the Commonwealth be, and is hereby, given and granted to the Baltimore and Ohio Railroad Company, incorporated by an act of the Legislature of the State of Maryland, passed on the 28th of February, Anno Domini, one thousand eight hundred and twenty-seven, entitled "An act to incorporate the Baltimore and Ohio Railroad Company," to locate and construct and maintain a continuation of the railroad company of said company from the town of Cumberland, in the State of Maryland, to the city of Pittsburgh, under and subject to the provisions, conditions and restrictions hereafter enacted:

Provided, That within six months after the completion of said railroad to Pittsburgh, and semi-annually thereafter, the proper officers or agents of the said Baltimore and Ohio Railroad Company shall make out under oath or affirmation, and transmit to the Treasurer of said Commonwealth a tax on all tonnage of whatsoever kind or description, except the ordinary tonnage of passengers, that may have passed over the entire length of said road between Pittsburgh and Cumberland, during the preceding six months; and that they shall also, at the same time, pay into the treasury of the Commonwealth a tax or duty on all tonnage of whatsoever kind or description, except the ordinary tonnage of passengers, that may have passed over the entire length of said road during the last preceding six months, at such rate as the Legislature may hereafter direct, not exceeding three mills per ton of two thousand pounds per mile; and for shorter distances, not exceeding twenty miles, at the same rate and in proportion thereto; and also pay into the treasury at the same time a tax or duty on all passengers that may have passed over one hundred miles or more of said road, between the aforesaid points, during the last preceding six months, at such rate as the Legislature may hereafter direct, not exceeding five cents for each passenger, until a railroad shall be constructed connecting the Columbia Railroad with the said Baltimore and Ohio Railroad by means of the Cumberland Valley or any other railroad, when such connecting railroad shall be constructed, the said tax or duty on passengers shall not exceed twenty-five cents for each passenger; and the Legislature hereby reserves the right to adopt such additional measures to secure a faithful compliance with the conditions of this proviso as may hereafter be deemed necessary and right:

And provided also, That if it should be deemed necessary, the Governor of the Commonwealth may appoint a state agent or agents, not exceeding one for each train of cars, who shall have the right to travel at all times on the said road, between Cumberland and Pittsburgh, in the cars or other vehicles of said company as shall or may be used for the transportation of passengers, free of any charge, who shall have access at all times to examine and inspect the books, accounts, way-bills of freight, permits, manifests, etc.

And provided also, That the act shall not go into effect before the 30th day of July, one thousand eight hundred and forty-seven; and if the Legislature during the present session should pass an act incorporating a company with authority to construct a railroad from Harrisburg to Pittsburgh, within the limits of this State, and three millions of dollars should be bona fide subscribed to the stock of said company, and ten per cent. on each share be actually paid in, and letters patent be issued by the Governor, in conformity to the provisions of said act, within one year from the passage thereof; and if thirty miles or more of said railroad should be put under contract for construction, and satisfactory evidence thereof be furnished to the Governor on or before the said 30th day of July, 1847, then in that case the Governor shall issue his proclamation setting forth that fact, and thereupon this act, granting the right of way to the Baltimore and Ohio Railroad Company to extend their road through this State to the Ohio River at Pittsburgh, shall be null and void, otherwise to remain in full force and virtue:

Provided, however, That the preceding proviso shall be of no force or effect unless the stockholders of the said Pennsylvania Railroad Company shall pay into the treasury of said company one million dollars on account of stock subscribed on or before the 30th day of July, one thousand eight hundred and forty-seven:

And provided further, That at least one-half of the portion of the railroad of the said company, which is hereinafore required to be put under contract for construction before the said 30th day of July, 1847, shall be at the western terminus thereof, commencing at the city of Pittsburgh and extending eastwardly.

Section 2. That the said railroad shall enter the State by way of Wills Creek, in the county of Bedford, and leaving said stream at such point as may be deemed most suitable, proceeding in a direction westward, and shall be located north and east of the Monongahela River, by such route as the company may deem expedient, and the said company proceed to construct the said road upon the like principles and plans, and under and subject to the same regulations, powers, immunities, privileges, conditions and restrictions, as are given, granted, enjoined and provided in the said act of the State of Maryland, so far as the same or any clause or part thereof may not be inconsistent with this act; Provided, That the track of said railroad shall correspond in width with the Philadelphia and Columbia Railroad so as to admit the cars thereof to
pass over said Baltimore and Ohio Railroad from the place of connection hereafter provided for:

Provided, That no lateral road exceeding one mile in length shall be made or caused to be made, purchased or caused to be purchased, leased or rented by said company, within the State of Pennsylvania, without the consent of the Legislature thereof:

And provided further, That no sum or sums of money shall be borrowed by said company for which a certificate for a less amount than $50 shall be issued; and that the said company shall not, either in the State of Maryland, Virginia, or Pennsylvania, make, issue, or utter, or cause to be made, issued or uttered, any certificate or note of any amount whatsoever, calculated for or intended as a circulating medium; Provided also, That the said company shall not construct or cause to be constructed any lateral road, having for its object a connection with the Ohio River below Pittsburgh, without the consent of Pennsylvania; and provided, that nothing herein contained shall be construed to prevent said company from constructing a branch of their road from some point thereon between Connelsville and Virgin Run to the National Road, at or near the borough of Brownsville, in this State.

Section 3. That full right and privilege is hereby reserved to this Commonwealth, to the Franklin Railroad Company, or any other, to connect with or intersect said road.

Provided, That the said Baltimore and Ohio Railroad Company shall not be entitled to any of the privileges, or enjoy any of the benefits conferred by this act, until the State of Maryland shall by law extend the rights and privileges granted by the 6th section of the act of the State of Maryland, passed April 1, 1836, entitled "A supplement to an act to incorporate the Susquehanna and Patapsco Canal Company," passed December session, 1824, to the State of Pennsylvania, person or persons, or company as may be appointed by the State of Pennsylvania, so as to give to said State of Pennsylvania, person or persons, or company, like power and privilege by the said 6th section, to preserve as a railroad line from Pennsylvania State line no further west than Hancock.

Section 4 granted permission to pass cars from Baltimore to Pittsburgh.

Section 5 defined certain powers and privileges.

Section 6 required a statement of cost of construction to be filed in the Auditor General's office.

Section 7 declared the stock to be subject to taxation.

Section 8 described the proceedings to ascertain damages.

Section 9 designated the penalties for injuring works.

Section 10 contained certain reservations.

By the terms of Section 11 it was decreed "That the supplement to an act to authorize the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania in a direction from Baltimore to the Ohio River, approved June 20, 1839, and the act to which it was a supplement, be, and the same are hereby, repealed."

And by Section 12: "That if the railroad by this act authorized to be constructed by the said Baltimore and Ohio Railroad Company, be not commenced within two (2) years from and after the 30th day of July, 1847, and finished within 12 years from the date of this act, then this act shall be null and void; the Legislature hereby reserves the right to alter, revoke or annul the privileges herein conferred whenever in their opinion the interests of the Commonwealth may require it, in such manner, however, that no injustice shall be done to the Baltimore and Ohio Railroad Company."

The bill was signed by Findley Patterson, Speaker House of Representatives; Daniel L. Sherwood, Speaker Senate, and approved 21st day of April, 1846, by Francis R. Shunk, Governor.

On Wednesday the 22d of April the Senate and House of Representatives adjourned sine die, and the question as to whether the Baltimore and Ohio Railroad should be permitted to build a road through Pennsylvania to Pittsburgh was relegated to the citizens of Pennsylvania, who, by the terms of the bill, could annul it by subscribing to the stock of the Pennsylvania Railroad Company in sufficient amount and in season to ensure the placing of the proper amount of mileage under contract within the time limit specified in the Baltimore and Ohio Bill.