

eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini; one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 189.]

A N A C T

To authorize the Governor to incorporate the Pottsville and Tuscarora Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Wallace, Jacob Aher, Joseph Commission-
Houghawout, of Philadelphia, Samuel Bell, John Miller, ers.
John Greene, commissioners of Berks county, Jacob Olewine, Charles Ellet, Andrew B. White, Aquilla Bolton, Gideon G. Palmer, George M. Totten, John G. Hews, of the county of Schuylkill, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned: that is to say, that they shall, on or before the first day of December next, procure three books, one of which shall be opened at the public house of Joseph Houghawout, in Philadelphia, and one at the house of John Miller, in Reading, Berks county, and one at the public house of William G. Johnson, in Pottsville, Schuylkill county; in each of which they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Pottsville and Tuscarora railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions, and such times as shall be determined by the president and managers of the said company,

To procure books.

Form of subscription.

in pursuance of an act of the general assembly of this commonwealth, entitled "An act to authorize the Governor to incorporate the Pottsville and Tuscarora railroad company."

Witness our hands the day of , one thousand eight hundred and ; and shall thereupon give

Notice.

notice in one newspaper printed in the county of Berks, and in one newspaper printed in the city of Philadelphia, and in one newspaper printed in the county of Schuylkill, two weeks at least of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company; at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books in their own names, or in the names of any other person who shall authorize the same for shares in the said stock; and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of three days, or until there shall have been sub-

Who may
subscribe.

5,000 shares.

scribed five thousand shares; and if, at the expiration of three days, the books shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of four thousand shares shall be subscribed: of which adjournment and transfer, the commissioners shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person be permitted to subscribe for more than twenty shares on the first day, and not more than one hundred on the second; after which any person may subscribe for any number of shares, until the whole of the stock is taken: *And provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars, on each and every share, for the use of the company.

Proviso.

2d Proviso.

SECTION 2. That when one thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, as aforesaid; the commissioners, or a majority of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of five dollars on each share, paid at the time of subscribing; whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers; and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style, and title of the "Pottsville and Tuscarora railroad company," and by the same name the

Letters patent.

Style and title.

subscribers shall have perpetual succession, with all the privi- Privileges and leges, franchises, and immunities incident to a corporation; liabilities. and be able to sue and be sued, implead and be impleaded, in all courts of record, and elsewhere; and to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and all estate, real, personal, or mixed, of what kind or quality soever; and the same, from time to time, to sell, exchange, mortgage, grant, alien, or otherwise dispose of; and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter Seal. and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations, as By-laws. shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein con- Proviso. tained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges, or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad, and the conveyance of passengers, and the transportation of the mail, and of goods, merchandize, and commodities thereon.

SECTION 3. That the said named persons, or a majority of them, shall, as soon as conveniently may be after the said Organization. letters patent shall be obtained, give at least twenty days previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company; to choose by a majority of votes of the said subscribers, by ballot to be given, in person or by proxy, which proxy shall have been obtained, and bear date within three months previously to the election at which such proxy shall be presented, duly authorized one president, six managers, all of whom shall be residents of this commonwealth; a treasurer, secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company until the second Monday of January then next, and until like officers shall be chosen; and may make such by-laws, rules, orders, and regulations, as are not inconsistent with the constitution and laws of the United States, or of this State, and that may be necessary for the well govern- Proviso. ing the affairs of the said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

Annual elec-
tion.

SECTION 4. That the stockholders shall meet on the second Monday of January in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous by the secretary, in the newspapers before mentioned, and choose by a majority of the votes present officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen; and at such other time as they may be summoned by the managers in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make; alter or repeal, by a majority of the votes in the manner aforesaid; all such by-laws, rules, orders and regulations, as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportion following: For every share not ex-

Ratio of votes.

ceeding two shares, one vote; for every two shares above two and not exceeding ten shares one vote; and for every five shares above ten one vote; but no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or in that of his wife; or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person; *Provided*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election, and all votes by proxy shall be on such terms and condition as are prescribed by the act passed on the twenty-eighth day of March, Anno Domini, one thousand eight hundred and twenty, entitled "An act to regulate proxies;" *And provided, also*, That no share shall be entitled to vote at any election or at any general or special meeting of said company, on which any instalment or arrearages may have been due and payable, more than thirty days previously to said election or meeting.

Proviso.

2d Proviso.

Manner of
conducting
elections.

SECTION 5. That the election of officers provided for in the third section of this act shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly according to law to conduct such election to the best of their knowledge and abilities, and the said judges shall decide upon the qualification of voters, and when the election is closed,

shall count the votes and declare who has been elected. And if it shall at any time happen that an election of president, managers, treasurer, secretary or other officer shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president, managers, secretary, treasurer or other officers on any day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned of the time and place of holding the said election; and the president, managers, treasurer, secretary and other officers of the preceding year shall in that case continue to act, and be invested with all the powers belonging to their respective situations until an election shall take place. In the case of death, resignation, or removal from the state, of the president, managers, treasurer or secretary, his place may be filled by the board of managers until the next annual meeting.

SECTION 6. That the said president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business, and when met, four shall be a quorum; who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall be empowered and have authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer for moneys, which shall be signed by the president, or, in his absence, by a majority of the managers present, and counter-signed by the secretary; and generally to do all such other acts, matters and things as by this act, and by the by-laws and regulations of the company they are hereby authorized to do.

SECTION 7: That the said president and managers first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the number of shares by him or her subscribed or held, which certificate or evidence of stock shall be transferable at his or her pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, one of whom shall keep a book for that purpose, subject however, to all payments due or to become due thereon, and the assignee holding any certificate having first caused the assignment to be entered in the book of the company to be kept for the transfer of stock shall be a member of the said corporation, and for every certificate assigned to him, as

Neglect to elect not to dissolve.

Meetings.

Quorum.
Minutes.

Power to appoint officers
&c.

Certificates of stock.

Transferable.

aforesaid, shall be entitled to one share of the capital stock of all the estates and emoluments of the company incident to one share, and to a vote, as aforesaid, at the meetings thereof, and subject to all the penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share as the original subscribers would have been.

Penalty for neglect to pay instalments.

SECTION 8. That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such a space of time, as that the accumulated penalty shall become equal to the sums before paid in part, on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment, as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due, and payable more than thirty days previously to the said election or meeting.

Forfeiture.

Proviso.

Treasurer and other officers to give bond.

SECTION 9. That the president and managers of the said company shall demand, and require of and from the treasurer, and may demand and require of and from all and every other the officers, and other persons by them employed, bond in sufficient penalties, and with such securities as the said company shall, by their rules, orders and regulations, require for a faithful discharge of the several duties and trusts to them respectively committed.

Dividends.

SECTION 10. That dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be impaired thereby. If the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable in their individual capacity to the said

Liability.

company for the amount of stock so divided, and each manager present, when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend: *Provided*, When such dividend shall exceed twelve per cent per annum, then one-half of such excess shall be paid into the state treasury, and placed to the credit of the education fund: *Provided* further, That nothing in this act shall be deemed to authorize the said company to purchase any lands, containing coal or iron ore, for the purpose of entering into the coal trade or manufacture of iron, or to engage directly or indirectly in the same.

Proviso.
Dividend not
to exceed 12
per cent.
2d Proviso.

SECTION 11. That the president and managers of the said rail road company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a rail road, with as many sets of tracks as they may deem necessary, beginning at or near the borough of Pottsville, and terminating at or near the town of Tuscarora, in Schuylkill county: *Provided*, That the said rail road shall not, except in deep cuts and fillings, or at points selected for depots or engine and water stations, exceed four rods in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof.

Power to locate the road.

SECTION 12. That the said president and managers shall have power and authority themselves, or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all lands on which the said rail road or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh-scales, or any other house necessary or useful in the construction and repairs of the said rail road, and therein to dig and embank, make and construct the same, and the said company shall pay or satisfy the owner or owners of the ground so taken and occupied as aforesaid: *Provided*, That the said company shall make compensation to the owner and owners of the lands taken up by such road, or give adequate security therefor, before such lands shall be taken or occupied as aforesaid.

Proviso.

To enter upon lands.

Proviso.

SECTION 13. That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near the said rail road, first giving notice to the owners or occupiers thereof, and from thence to take and carry away timber, stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof: *Provided*, That the said company first pay, or secure to be paid to the

Right to enter upon lands for materials.

Proviso.

owner or owners of the lands taken up by such road, as is provided for in the twelfth section of this act.

Not to obstruct public roads.

Public causeways.

Penalty.

Proviso.

2d Proviso.

Draft.

3d Proviso.

4th Proviso.

Private causeways.

SECTION 14. That the said road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads, which may cross or enter the same. In all cases where the said railway may cross, or in any manner interfere with any existing public road, canal or slackwater navigation, the said company shall make, or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public roads, canals or slackwater navigation, to cross and pass over said rail road; and if the company shall neglect or refuse to keep such way or causeways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the townships, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby: *Provided*, That it shall be lawful for this company, at their own proper cost and expense, to make such alterations as may appear to them to be expedient in the route and location of any state, county or township road, along which or in the immediate vicinity whereof their rail road or any part thereof, does or shall pass, and to lay out and open to such width as shall be necessary, so much or any of the said roads as shall be re-located, and such new route of any of the said roads shall be considered as a public highway, to be supported and kept in repair as other highways in this commonwealth are supported and kept in repair, and so much of the route as shall be altered shall be thereby vacated: *Provided also*, That the said company shall, within six months after the making of such alteration, report a draft and description of the same to the court of Quarter Sessions of the county of Schuylkill: *And provided further*, That any person who may consider himself injured by such alterations may recover damages for the same, and against the said corporation, in the same manner as other damages occasioned by the said rail road, as before mentioned in this act: *And provided further*, That the new road shall be made as good as that now in use, and the authority hereby granted shall not extend to authorize an interference with any company incorporated by law.

SECTION 15. That for the accommodation of all persons owning or possessing land, through which the said rail road may pass, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway and causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as oc-

casion may require, and the said causeway or causeways when so made, shall be maintained and kept in good repair by said company, and if the said company shall neglect or refuse on request to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such neglect or refusal, to be sued for, and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may pass, and where any public road shall cross said rail road, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect and keep in repair any causeway for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then and in such case the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair.

Proviso.

2d Proviso.

SECTION 16. That no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed, or the cause of action accrued; and the defendants, in any such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits or actions.

SECTION 17. That in suits or actions brought against the said company, the service or process on any manager, toll-gatherer, or other officer of the company, shall be as good and available in law, as if made on the president thereof.

Process.

SECTION 18. That if any person shall wilfully and knowingly break, injure, or destroy the railroad, hereby authorized, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company, in pursuance of this act, he, she, or they shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with full costs, before any tribunal having cognizance thereof, by action in the name and for the use of the said company.

Penalty for injuring the works of the company.

SECTION 19. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly, and with evil intent, any obstruction on the line of the railroad, so as to jeopard the safety, and endanger the lives of persons travelling the

Penalty for placing obstructions on road.

same, such person or persons, so offending, shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction, to be imprisoned in the Eastern Penitentiary of Pennsylvania, for a term not more than two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Transportation regulated. SECTION 20. That it shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all travelling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge, or amend the said rules and regulations, as they may deem expedient; and that they shall have full power and authority to prescribe the kind and description of cars, carriages, or wagons to be used on the said road, for the conveyance of passengers, and the transportation of the mails, or of goods, wares, merchandize, and minerals; and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations, in relation to the transit thereof, as they may deem expedient: *Provided*, That the toll on coal, and other minerals, shall not exceed an average of two and a-half cents per ton, of two thousand two hundred and forty pounds, per mile, nor upon any other species of property an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile: *Provided also*, That the charge for motive power on coal, or other minerals, shall not exceed an average of one and a-half cents per ton, of two thousand two hundred and forty pounds, per mile, nor upon any other species of property an average of two cents per ton per mile, nor upon each passenger an average of four cents per mile; and besides the tolls so to be charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road, for the time being, and as a compensation for weighing and booking all coal, or other minerals which may pass over the said road, the further sum, not exceeding the sum of one cent per cart or wagon load of the said coal, or other minerals transported on the said road; in consideration of which he shall, at all reasonable times, when so requested, exhibit to any person or persons interested therein, the account of the said coal, or other minerals so transported, as aforesaid, and deliver to him or them a certified copy thereof, without other fee or reward: *Provided further*, That the usual allowance of seven and a-half per cent for wastage shall be made on all coal transported upon the road.

3d Proviso.

3d Proviso.

Turn-outs SECTION 21. That all coal, and other mineral transported upon this road, shall be allowed to leave the same at Port Carbon or Pottsville, or between these towns; and all necessary turnouts, crossings, and branch roads, for the accom-

modation of the landing at and between those places, and all turnouts, crossings, and branch roads necessary for the accommodation of the mines along the line of the road, shall be permitted to be made at the expense of the owner or owners of said landings and mines, according to the plans and regulations of said company, and by them shall be kept in good repair and order; and if at any time the said owner or owners shall abandon the said landings or mines, or suffer the said turnouts, crossings, or branch roads, to get out of order or decay, or in any way compel the said company to be at the expense of keeping the same in repair and order, then, and in that case, it shall be lawful for the said company to remove the said turnouts, crossing, or branch road, or so much thereof as shall be to their inconvenience for the time being.

SECTION 22. That at each annual meeting of the stock-Annual exhibitors, the president and managers of the preceding year^{bit of accounts} shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the president and managers, or by the president, at the request of stockholders holding one-fourth the amount of the capital stock in like notice, as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such meetings, except that for which it shall have been called, unless a majority in value of the stockholders shall attend in person or by proxy.

SECTION 23. That if the president and managers and company, shall not proceed to carry on the said work within two^{Time for completion} years from the passage of this act, and shall not complete the same within five years, as aforesaid, according to the true intent and meaning of this act; or if after the completion of the said road, the said company shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void; except so far as compels the said company to make reparation for damages.

SECTION 24. That if any increase of the capital stock shall be deemed necessary by the stockholders to improve or complete the said road, it may be lawful for the said president,^{Capital stock may be increased.} managers, and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of the said company shall not exceed three hundred thousand dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 25. That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of^{Abstract of accounts to be furnished to the legislature} the accounts of the company, showing the amount of the capi-

tal paid in, and the debts of the said company; the amounts received for tolls and transportation, and rates charged; and the amount of dividends declared; which abstract shall be verified by the oath or affirmation of the president or treasurer of said company.

SECTION 26. That within sixty days after the said company is formed and the president and directors thereof chosen, it shall be lawful, and the president, directors and company are hereby authorized to purchase, receive and hold the estate, rights and privileges of the Schuylkill Valley Navigation and Rail Road company; *Provided*, The said Schuylkill Valley Navigation and Rail Road company shall be willing to sell the same at any price not exceeding thirty thousand dollars, and that the said president, directors and company shall not be obliged to pay in cash a greater part of the said sum than is sufficient to liquidate and pay the debts of the said Schuylkill Valley Navigation and Rail Road company, and that the residue shall be paid in stock of the said company, to be created by this act at its par value of fifty dollars per share; *Provided*, That until the rail road to be made in pursuance of this act be made and open for travel and transportation from Port Carbon to Middleport, and for one year after that time and no longer, the said company shall cause the said Schuylkill Valley Rail Road, or a substitute therefor to be kept in good order and repair for the transportation of coal and other minerals thereon, under the same penalties and restrictions as is provided in the several acts incorporating the said Schuylkill Valley Navigation and Rail Road company.

May purchase
estate of
Schuylkill na-
vigation and
valley rail
road company

Proviso.

SECTION 27. That when the said rail road to be made in pursuance of this act shall be completed, according to the true intent and meaning hereof, then and from thenceforth the rights, estates and privileges that may be transferred to the said president, managers and company by the Schuylkill Valley Navigation and Rail Road company, shall cease and determine, and the said president, managers and company shall have and possess no other rights, estate and privilege than is granted to them by this act.

SECTION 28. That if the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.