

No. 139.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Mount Carbon and Port Carbon railroad company," and to the supplement thereto.

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 the letters patent creating and erecting the Mount Carbon and Port Carbon railroad company, be and the same are hereby confirmed, ratified, confirmed. Letters patent and made effectual; notwithstanding notice of opening the books for subscriptions to the stock of the said company, was not given the full time required by law.

SECTION 2. That the time for commencing the work on said railroad be extended to the first day of May next, and that the time for completion limited. and completion limited.

SECTION 3. That the said company be and they are hereby authorized to locate their railroad so as to cross the river Schuylkill, wherever they may deem it expedient, above a point five hundred yards below the termination of the Reading railroad, and to extend and construct their railroad so as to connect with the Schuylkill Valley navigation and railroad company's railroad, in the neighborhood of Port Carbon: *Provided,* That the width of the track of said road be made corresponding with the width of the Philadelphia and Reading railroad; and that it shall be lawful for any company incorporated by a law of this commonwealth, or for any individual or individuals, to intersect the said railroad by any other railroad or railroads, at any place where he or they may deem it expedient, so that it shall not injure the said railroad, nor be within three hundred feet of any other intersection, and shall be done under the direction of the Mount Carbon and Port Carbon railroad company. Location and construction.

SECTION 4. That the said company may charge and collect tolls on the road, at not exceeding the following rates: On coal, iron ore and limestone, two cents per ton per mile, 2,240 pounds being a ton: on all other articles, four cents per ton per mile; and on passengers two cents each per mile: *Provided,* That no toll shall be charged on empty burden cars returning. That all distances within one mile of the junction of this road with the Philadelphia and Reading railway, shall be rated as one mile in all charges authorized by this act. That the said company may charge one cent per ton for registering and furnishing certified accounts of the weight of all coal which has not been previously weighed on other public railways. Tolls.

SECTION 5. That if this company shall prohibit the use of horses on this road, which they are hereby authorized to do, they shall transport the loaded cars of all persons to and from any points on the line of the said road, by locomotive steam engines, and at a charge not exceeding one cent per ton per mile, on all coal and other minerals and fossils; and they shall return the empty cars without further charge: *Provided,* That the locomotive steam engine of all persons shall be allowed to pass over this road without charge when engaged in drawing loaded cars and returning them empty, subject to the rules and regulations prescribed Prohibition.

by this company for the government of their own engines : *And provided*, That all persons shall have the right to use their own cars on this road, subject to the regulations prescribed by the company for their own cars.

Width.

SECTION 6. The said railroad shall not be more than four rods wide, except at deep cuts and fillings, and at points for depots, engine and water stations, and at toll gates and houses, where it shall not be more than six rods wide, without the consent of the owners of the property that they may wish to occupy.

Power to enter upon lands.

SECTION 7. That it shall and may be lawful for the said company to enter in and upon, and occupy and hold for the purposes of making and constructing said railroad, and all depots, engine and water stations, and toll gates and houses, and other devices connected with the same, any land upon which the same may be located, with the consent of the owners thereof, or (in case of their refusing to consent, or being infants or femes covert, or absent from the commonwealth, or unknown,) on giving security to the satisfaction of the court of common pleas of Schuylkill county, for the damages that may be assessed; and the damages shall be assessed in the same manner as is provided in the act of assembly incorporating the Philadelphia and Reading railroad company.

Damages.

Certificates.

SECTION 8. That it shall not be necessary to issue one certificate for each share of stock of the said company, but one certificate may be issued for any number of shares that shall be held by one person, co-partnership or body corporate.

Acceptance.

SECTION 9. That this act shall not go into operation unless the provisions thereof be accepted by a vote of a majority of the stockholders of said company, at a meeting to be called by order of the president and managers for the purpose of considering the same; of which meeting at least five days notice shall be given by advertisement in at least two newspapers in the city of Philadelphia : *Provided*, That it shall and may be lawful for the stockholders of the Philadelphia and Reading railroad, at any time within six months from the passage of this act, with the consent of this company, to purchase this road with all its improvements and appurtenances, and to annex the same to their own road, of which it shall become a part, subject to all the laws, privileges and restrictions in this charter.

Proviso.

Legislative reservation.

SECTION 10. That if the said company shall at any time hereafter violate the provisions of their charter, the legislature may at any time thereafter resume and repeal all and singular, the rights and privileges hereby granted to the said company.

Repeal.

SECTION 11. That so much of the act incorporating the Mount Carbon and Port Carbon railroad company, and the supplement thereto, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.