

No. 180.

A SUPPLEMENT

To an act, entitled "An Act authorizing the governor to incorporate the Schuylkill valley navigation and railroad company," and to the several supplements 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 Schuylkill valley navigation and railroad company be and they are hereby authorized to create any number of shares of stock, not exceeding four thousand, in addition to the shares already authorized: *Provided,* That before the creation of any such additional stock, the stockholders of the said company, or a majority of them, shall give their assent to the same at their annual or other general meeting, to be called for that purpose, of which twenty days notice shall be given, in two newspapers published in the city of Philadelphia, and ten days notice in one newspaper published in the county of Schuylkill: *And provided* Additional stock. *further,* That no certificate of stock shall be issued, until the sum of fifty dollars per share shall be paid to the company for the same: *Provided,* 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; that every such certificate shall specify the several shares represented thereby; and the numbers of said shares shall be set forth in their progressive order. Proviso.

SECTION 2. That it shall and may be lawful for the said company to open, alter, and widen their railway, and that they may change the location and direction of the same, at any places between the points of beginning and ending, specified in their charter, so that it shall not be more than five rods wide, except at points for depots and engine stations, where, if necessary, it may be eight rods wide; that the said road may cross the river Schuylkill, and other streams in the said valley, wherever they deem it expedient; that it shall and may be lawful for the said company to enter in and upon, occupy and hold, for the purpose 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 feme covert, or persons 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: *Provided,* That the said company shall, within fifteen months from the passage of this act, lay down a double track iron railway, on Location, width, &c. of railway. Double track. the whole distance of the said road, corresponding in weight of rail and width of track, with the Philadelphia, Reading and Pottsville railway: *And provided,* That the tracks of the present railway shall not be taken up nor the use of the same withheld from the public, until after the first day of November next; that all persons shall be permitted to intersect and cross this railroad, at any point if not within one hundred

- Intersection.** yards of any other intersection or cross-cut: *Provided*, That the intersecting track shall be laid down at the expense of such persons, and under the direction of this company: *And provided further*, That both
- Proviso.** branches of said railroad, that are now constructed on both sides of the river Schuylkill at Port Carbon, extending to points opposite the mouth of Mill creek, shall be maintained and kept up; and all persons owning or occupying lots or landings adjacent, shall have the right to intersect said branches, without reference to the distance between said intersections.
- Toll.** **SECTION 3.** That the toll on coal and other minerals and fossils, shall not exceed two cents per ton per mile; that the ton shall be two thousand two hundred and forty pounds; that the ton shall be divided into hundred weights, and all fractional parts of a hundred weight shall be charged as a hundred weight, and not more; that the mile shall be divided into fractions of quarters, and all fractional distances under a quarter of a mile, shall be charged as a quarter of a mile, and not more;
- Horse-power.** That if the company exclude horse power from the road, they shall transport the loaded cars of all persons by locomotive steam engines, receiving and delivering them at any points on the road designated by the owners; and they shall charge for the use of the motive power, a rate not exceeding one cent per ton per mile on coal and other minerals and fossils, and they shall return the empty cars without further charge:
- Locomotive engines.** *Provided*, That the locomotive steam engines 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 by this company, for the government of their own engines and cars: *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: *And provided further*, If the company neglect or refuse to transport the loaded cars of all persons by locomotive steam power, such person or persons shall have the right to use horse power, in conveying their cars on said road.
- Rights, privileges &c.** **SECTION 4.** That all the rights, privileges and immunities granted to this company, in their original charter, and in the several supplements thereto from time to time enacted, be and the same are hereby revived, extended and confirmed.
- Vacancy.** **SECTION 5.** That in case of death, resignation or removal from the state, of any officer or manager of this company, his place shall be supplied by the board of managers until the next election.
- Extension of road** **SECTION 6.** That it shall be lawful for said company to extend their railroad and improvements from the said Schuylkill valley, near the town of Tuscarora, a distance not exceeding six miles, and to approach any of the coal mines in that region.
- Repeal.** **SECTION 7.** That so much of the act or acts, incorporating the Schuylkill valley navigation and railroad company, and the several supplements 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 twelfth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.