

No. 305.

A FURTHER SUPPLEMENT

To an act authorizing the governor to incorporate the West Chester 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 every person who shall exhibit to any agent or officer of the West Chester railroad company, a false bill of lading, or shall render a false statement of the persons or property carried, or distance travelled by any car upon the said railroad of the said company, or shall neglect or refuse to make a just and true report of the tolls incurred by him, or who shall in any way evade the payment of said tolls, shall forfeit and pay for every such offence, for the use of said company, a sum not exceeding twenty dollars, to be recovered by action of debt, before any justice of the peace of the commonwealth, together with costs of suit: *And whereas,* The road of said company is now out of order, and requires extensive repairs to render it fit to accommodate the trade and travel between West Chester and Philadelphia: *And whereas,* The said company are desirous of repairing the road in a permanent manner, and of laying the iron 'T' rail thereon: *And whereas,* They are also desirous, before incurring the expense necessary to effect the said objects, to have assurance from the state, that they can have the advantage of running their cars upon the Pennsylvania railroad, between the intersection of the company's road and the city of Philadelphia, subject to no higher rates of toll than those established by the board of canal commissioners, to take effect on the twenty-fifth day of March last; therefore,

Penalty for evading tolls.

SECTION 2. *Be it enacted by the authority aforesaid,* That hereafter, neither the tolls nor motive power charges to be charged the said West Chester railroad company, on cars and freight passing over the Philadelphia and Columbia railway, between the intersection of the said company's road therewith, and Philadelphia, shall exceed the rates established by the board of canal commissioners, which took effect on the twenty-fifth day of March last, except the rate of tolls should hereafter be increased on said line, then the canal commissioners shall have a right to increase the same in a corresponding ratio.

SECTION 3. That when the West Chester railroad company shall have laid on their road the iron T rail, or otherwise have put in good and safe condition for locomotive engines to run thereon, in the opinion of the canal commissioners, the canal commissioners are hereby authorized and empowered, by and with the consent of said company, if they shall deem it expedient, to run a locomotive engine thereon, and from the borough of West Chester, at such times as will comport with the interests of the business of the state road, and at the same time afford the greatest accommodation to the travel and business of the said company's road, consistent with the general interest of the state.

Authority to attach to locomotives on state road.

SECTION 4. That in case the canal commissioners shall refuse to run a locomotive engine on the said company's road, the said company shall have the right of attaching their cars to the locomotive engines of the road.

state, and that no tolls or charges of any description, shall in any case be charged to or levied from the said company, that shall not be charged to or levied from other companies or individuals doing business on the Philadelphia and Columbia railway.

Authority to
mortgage road.

Proviso.

SECTION 5. That in order to enable the said company to re-place the superstructure of their road, and to lay down an iron track sufficient to sustain the action of locomotive engines the directors of said company be and they are hereby authorized to mortgage the said road to any person or persons, for such sum or sums of money, and as often as they may deem necessary, together with all the appurtenances, powers, privileges, rights and immunities of the said company; so that in case of a sale being made by virtue of any proceeding on any mortgage so to be given, the purchaser or purchasers shall take, hold, possess, use and enjoy the said road and its appurtenances: *Provided however*, That no mortgage shall be executed by the directors without the consent of stockholders holding two-thirds of the stock of said company, given in person or by attorney or proxy, at a meeting of said company, called on thirty days notice, stating explicitly the object of the meeting; and that no condition or stipulation shall be inserted in said mortgage that may delay or hinder any creditor of said company from pursuing any legal remedies which he now has by law, or which will give any one of the present or subsequent creditors of said company, priority over other creditors, except such as they may now have by law; nor shall the mortgage hereby authorized give the mortgagees any preference over the present creditors of said company, or in any way effect or diminish any remedies they now have by law against said company; and that no sale on this mortgage shall be permitted for the term of ten years from the passage of this act: *Provided*, That the mortgage or mortgages herein authorized to be given by said company, shall be given under the provisions and restrictions of the joint resolution approved the twenty-first day of January, one thousand eight hundred and forty-three.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

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

DAVID R. PORTER.

No. 306.

AN ACT

Supplementary to the act, entitled "An Act to authorize the governor to incorporate the Milesburg and Smethport turnpike road company."

Sections.

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 from and after the passage of this act, the said road be and the same is hereby divided into separate sections, the first to be known and called