

transportation shall be performed upon grades of the road or its branches exceeding an ascent or descent at the rate of twenty-six feet and four-tenths of a foot per mile, but not exceeding forty feet per mile, the tolls for motive power may be fifty per cent. greater than the above mentioned rates: and upon all distances where the inclination of the road from a horizontal line is greater than forty feet per mile, the rates of toll for motive power may be increased one hundred per cent.

[*Note.*—This section contemplates the transportation of freight on the road in cars owned by individuals, &c., where the company furnish the motive power, as is done on the Columbia Rail Road, and the rates of charge for the use of the road, and the use of the motive power, are the same which have been allowed the company in an act of the Legislature of Pennsylvania passed at its last session. The company at *this* time, furnishes the cars and attendance; but it may happen that the Pennsylvania plan with respect to burden, may be adopted; and now, while the subject is under the consideration of the Legislature, this contingency may as well be provided for. The calculation on which this increased charge on grades is based, rests on the fact, that on the grade between 26.4 feet and 40 feet, an engine can do but  $\frac{2}{3}$  her work, and above 40 feet and under 66 feet, it takes two engines to do the work of one. This provision is copied from the Pennsylvania law of the last session.]

Section 2. And be it enacted, That the said company be, and they are hereby authorised to make all such rules and regulations concerning the use of said road by cars other than their own, as they may from time to time deem necessary; nothing herein contained to authorise such use, under any circumstances, without the consent and license of said company.

Section 3. And be it enacted, That in all cases where cars other than those belonging to said company are used on said road, the owner or owners thereof shall be deemed and considered as common carriers, subject to all the rules, regulations and obligations of law applicable to such carriers, and shall be entitled to charge and receive from the owner or consignee such rates for transportation of freight as the owner or owners of such cars shall from time to time decide upon and establish.

Section 4. And be it enacted, That the amount which may accrue for the transportation of passengers, and the amount which shall accrue from the excess of the charge for the transportation of goods, wares and merchandise, and other property allowed by this act, over and above the charges allowed for transportation and tolls by the original act of incorporation, and an act, entitled, an act for the promotion of internal improvement, passed at December session 1835, chapter 395, or so much thereof as may be necessary, shall be appropriated to the fulfillment of the guarantee to the State for the payment of interest on the amount of money,