

CHAP. 322.
Provisoes.

lines of canals and rail roads; *Provided*, that the said company shall return the empty cars of such citizens, or companies, to the point or points from whence they started, free of charge; *And provided further*, that no car shall be placed on any rail road of any company as aforesaid, unless they be adapted in size, and all necessary particulars, to said rail road, in accordance with the regulations of the said company, which shall, at all times provide the necessary motive power for running said cars, and the said cars shall be in the exclusive care and charge of the said company, whilst on its rail road.

Length of road.

SEC. 23. *And be it enacted*, That no rail road built by any mining company, formed under this act, shall be more than ten miles in length.

Means of transportation.

SEC. 24. *And be it further enacted*, That every rail road, constructed under the provisions of this act, shall provide all necessary means, and transport all persons and property that may be offered for transportation on its said rail road; and in all cases, other than those provided for in the foregoing section, or in all cases when the said company furnishes the cars and motive power, and is subject to all the expenses chargeable to transportation, it shall be authorized to charge at a rate not exceeding two and a half cents per ton per mile on all coal and other articles, and two cents per mile for every passenger that may be transported.

Gap at Wills' mountain.

SEC. 25. *And be it further enacted*, That any rail road that may hereafter be constructed, or purchased by any corporation, formed under this act shall be so located or used, as to occupy as little space at the passage through the gap, at Wills' Mountain, near Cumberland, as may be compatible with the full and convenient use of such rail road, and in such manner as to produce as little obstruction as may be, to the location of other rail roads through said gap by any company now authorized, or that may hereafter be authorized, to construct the same under the authority of this act.

Questions of difference—how settled.

SEC. 26. *And be it enacted*, That all questions of difference that may hereafter arise between any two companies, or between any company, and citizen or citizens, in regard to locating, constructing, or working its rail road or rail roads, or in respect to the charges of transportation thereon, as authorized by this act, may be submitted to, and be decided by the commissioners of public works of this State; and in case of an equal division in the board of commissioners, the Treasurer of the State shall decide the same, and the decision of

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