

No. 104.

AN ACT

To continue the improvement of the state by canals and rail-roads.

SECT. 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 it shall be and hereby is made the duty of the canal commissioners, to complete as soon as practicable, the whole of the rail-road between the rivers Schuylkill and Susquehanna, as the extent and route thereof are stated in their report of the twenty first day of December, one thousand eight hundred and thirty, beginning at the intersection of Vine and Broad streets, in the city of Philadelphia, and thence extending to the end of the canal basin at Columbia, in the county of Lancaster, a distance of eighty-one miles and three fourths of a mile, through the counties of Philadelphia, Montgomery, Delaware, Chester and Lancaster; towards the expenditures whereof, during the present year, the sum of six hundred thousand dollars is hereby specifically appropriated, to be paid out of the loan hereinafter mentioned: *Provided however,* That the said commissioners shall complete the first twenty miles of the said rail-road, proceeding from Philadelphia westwardly, and cause the said part of the said rail road to be finished with double tracks, engines and all other means to make it useful for transportation, with the least possible delay: *And provided also,* That before the canal commissioners shall contract for any part of the rail-road between the western shore of the river Schuylkill and the intersection of Vine and Broad streets, the mayor, aldermen and citizens of Philadelphia, by their proper authorities, shall engage to construct and continue a rail-road from the intersection of Vine and Broad streets, down Broad street to Cedar street; and also, that they be and are hereby authorised to intersect and construct a branch or branches of rail road from any point or points of the Pennsylvania rail-road, east of the river Schuylkill, not farther north than Francis street, and carry the same to any point or points on the rivers Schuylkill or Delaware, within the limits of the said city; and to charge and receive the same tolls as may be charged on the Pennsylvania rail-road, according to distance: *And provided also,* The said commissioners may cause the bridge across the Schuylkill to be constructed in such a manner that the same shall be suitable for the accommodation of carriages and passengers, other than those passing upon the rail road; the tolls to be charged for passing upon which shall be fixed by the canal commissioners.

\$600,000 appropriated to Columbia and Philadelphia rail-road.

Proviso. Completion of first 20 miles from Philadelphia.

2d proviso. Citizens of Philadelphia to construct a rail-road down Broad to Cedar st.

Authorised to construct branches.

Same tolls as on state road. Proviso. Construction of Schuylkill bridge.

Toll to be fixed by commissioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said canal commissioners shall proceed forthwith to complete the projected canal, between the western termination of the rail-road at Columbia, and the best point of junction with the Pennsylvania canal at Middletown, in the county of Dauphin, including an aqueduct in the line of the said canal, over the river Swatara, and out-let locks to the river at Columbia; for the expenses and costs of which canal, aqueduct and out-let locks, the sum of one hundred and sixteen thousand one hundred and seventy dollars is hereby specifically appropriated, to be paid out of the loan hereinafter mentioned.

\$116,170 appropriated to complete canal from Columbia to Middletown.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said canal commissioners shall commence forthwith and prosecute, without delay, a rail-road over and across the Allegheny mountains, from the basin at Hollidaysburg, in the county of Huntingdon, to Johnstown, in the county of Cambria, a distance of about thirty-eight miles, according to the extent, route and plan thereof, stated in their report of the twenty-first day of December, one thousand eight hundred and thirty, excluding the plan of a tunnel as recommended by Moncure Robinson in his report of the twenty-first November, one thousand eight hundred and twenty-nine; and also, that they shall commence and prosecute, without delay, the extension of the Juniata division of the Pennsylvania canal, from the town of Huntingdon, in the county of Huntingdon, to the basin at Hollidaysburg, in the same county, either by canal or slack water navigation; towards the expenditures of which rail-road and canal or slack water navigation, as specified in this section, during the present year, the sum of seven hundred thousand dollars is hereby specifically appropriated, to be paid out of the loan hereinafter mentioned.

Rail-road from Hollidaysburg to Johnstown.

Canal or slack water from Huntingdon to Hollidaysburg.

\$700,000 appropriated.

SECT. 4. *And be it further enacted by the authority aforesaid,* That for the purpose of relieving the several turnpike road companies, that is to say: the Harrisburg, Carlisle and Chambersburg turnpike road company, and the Chambersburg and Bedford turnpike road company, and the Bedford and Stoystown turnpike road company, and the Stoystown and Greensburg turnpike road company, and the Bedford and Somerset turnpike road company, and the Somerset and Mount Pleasant turnpike road company, and the Williamsport and Washington turnpike road company, and the Washington and Pittsburg turnpike road company, the further sum of one hundred and twenty-five thousand dollars is hereby appropriated, to be paid by the State Treasurer to the said companies, pro rata, according to the amount of their debts, as stated in their several reports made to the Auditor General; and the said companies are hereby required to appropriate the sums so received by them, in the pay-

\$125,000 appropriated to relief of sundry turnpike road companies.

Pro rata distribution. State to be a stockholder for amount given.

West Branch division.

\$200,000 appropriated from Muncy dam to mouth of Bald Eagle. \$25,000 of the above sum appropriated to the Lewisburg communication.

Proviso. Dimensions, &c. of dam.

North Branch division from Nanticoke dam 15 miles.

\$100,000 appropriated.

From Allegheny river to French creek feeder. \$60,000 appropriated.

From Ohio river to Newcastle.

\$100,000 appropriated.

Governor authorised to borrow on permanent loan \$2,483,161 88.

ment, pro rata, of their respective debts, upon condition that the state shall be a stockholder in the capital stock of the several turnpike road companies, to the extent of the sums thus appropriated to the relief of the said companies respectively.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said canal commissioners shall extend without delay, by canal or slack water navigation, the West Branch division of the Pennsylvania canal, from the Muncy dam, in the county of Lycoming, to the mouth of the Bald Eagle creek, in the same county; towards the expenses whereof, during the present year, the sum of two hundred thousand dollars is hereby specifically appropriated. Also a water communication between the town of Lewisburg, in Union county, and the nearest and best point on the said West Branch division of the Pennsylvania canal; for which the sum of twenty-five thousand dollars is hereby specifically appropriated: *Provided,* That the same be paid for out of the said sum of two hundred thousand dollars last mentioned, if in the judgment of the canal commissioners the same be sufficient for both purposes: *And provided,* That in constructing a dam across the Susquehanna, at that point, the said dam shall not exceed two feet and a half in height, and shall be so constructed as not to injure or impede the navigation of said river. Also, the North Branch division of the Pennsylvania canal, from the pool of the Nanticoke dam, in the county of Luzerne, by canal or slack water navigation, not to exceed fifteen miles, in the same county; towards the expenses whereof, during the present year, the sum of one hundred thousand dollars is hereby specifically appropriated. Also, make a canal or slack water navigation from the Allegheny river, at the mouth of French creek, and up that creek to the French creek feeder; towards the expenses whereof, during the present year, the sum of sixty thousand dollars is hereby specifically appropriated. Also, make a canal or slack water navigation from the Ohio river, at the mouth of Big Beaver creek, up that creek to the town of Newcastle; towards the expenses whereof, during the present year, the sum of one hundred thousand dollars is hereby specifically appropriated; all the said several specific appropriations in this section mentioned, to be paid out of the loan hereinafter mentioned.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the Governor of this commonwealth be and he is hereby authorised to borrow on the credit of this commonwealth, and such fund as shall be created for securing the punctual payment of the interest and reimbursement of the principal, the sum of two millions four hundred and eighty-three thousand one hundred and sixty-one dollars and eighty-eight cents, payable in instalments, in such manner as he may designate in proposals for said loan; which sum shall be paid to and

vest in the commissioners of the internal improvement fund, to be applied by them to the repayment of the temporary loan of two hundred and fifty thousand dollars, authorised by the act of January twelfth, one thousand eight hundred and thirty-one, and to the payment of the contracts necessary to finish work heretofore authorised, and the residue in the manner and for the purposes directed by this act: *Provided*, That no engagement or contract shall be entered into which shall preclude the commonwealth from reimbursing the said loan at any time after the expiration of twenty-five years, from the first day of July next: *And provided further*, That no rate of interest beyond five per cent. per annum shall be allowed or paid for the said loan.

How vested and applied.

Proviso. Loan redeemable in 25 years.

2d proviso. Rate of interest limited.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the canal commissioners shall not be authorised to incur debt on the faith of the state, in any way or manner beyond the appropriation aforesaid.

Commissioners not to exceed appropriations.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 105.

AN ACT

To incorporate "The Pennsylvania Horticultural Society."

WHEREAS, a number of persons have associated for the purpose of promoting and encouraging horticulture, by improving the growth of vegetables, plants, trees, fruits and flowers, and of introducing into our country new varieties and species, and the said persons are desirous of becoming incorporated: Therefore,

Preamble.

SECT. 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 persons who now constitute the Pennsylvania Horticultural Society, or who shall hereafter be admitted members of the same, shall be and hereby are declared to be a body politic and corporate, by the name and style of

Incorporation