

## No. 50.

## Supplement

To the act entitled "An act to authorize the Governor to incorporate the Susquehanna Canal Company," approved the fifteenth day of April, A. D. eighteen hundred and thirty-five.

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 president and managers of the Susquehanna Canal company aforesaid, if they shall deem it expedient to construct the said canal on the west side of the river, to the Maryland line, they are hereby authorized and empowered so to do, and connect the said canal with the Pennsylvania canal, at or near, but not more than a fourth of a mile below Columbia, by means of a dam and towing-path bridge or otherwise, as they may determine upon: *Provided,* That in making the said connexion, whether by dam or bridge, or otherwise, it shall be so made as not to injure or obstruct the descending navigation of the river, nor impede the ascent of the fish; and if such connexion shall be made by a dam, a schute or sluice shall be constructed therein, in a line with the channel of the river, of not less than one hundred feet width, and of sufficient length to enable craft of all kinds safely to pass the same; and such schute or sluice shall be kept in repair by the said company; and said dam shall not exceed four and a half feet in height, and shall be sloped on the lower side, so as to have an ascent of not more than one foot in height for every five feet in the length of the said slope, to promote the passage of fish, and the said company shall construct an outlet lock, if necessary, opposite the town of Columbia, below the bridge and near thereto, of sufficient dimensions to enable all craft navigating the Pennsylvania canal to pass the same. And if the said company shall neglect or refuse to make and keep in repair, for the descending navigation, a safe schute as aforesaid, through the said dam, they shall pay all damage which may be sustained in consequence thereof, which damage shall be assessed by two persons, one of whom shall be chosen by the said company, and one by the party grieved, and if they cannot agree, the said referees shall choose a third person, and the award of a majority shall be final: *Provided always,* That the aforesaid company shall not be entitled to use the privileges, and enjoy the advantages granted to it by this act, until the state of Maryland shall have fully authorized the construction, use, control, repair and preservation, of a

Canal on the west side of the river, and to connect with Penn'a canal.

Proviso.

Fish.

Schute and dam.

Damages, how assessed.

Relative to a connecting railroad in Maryland and the Baltimore and Ohio railroad

railroad of the width of the Baltimore and Ohio, and Columbia and Philadelphia railroad, from a convenient point or points in the line of the state, bounding on Washington county, in the state of Maryland, to be connected with the Baltimore and Ohio railroad, at or near Hagerstown or Williamsport, or as near thereto as may be, if the railroad last aforesaid shall be made through or near to the said town, or between the same and the ravine of the Potomac river; but if the Baltimore and Ohio railroad shall be constructed along the said ravine, between the south mountain and Williamsport, then to be connected with the said railroad, either at or near Hagerstown or Williamsport, or between Hagerstown or Williamsport and the north mountain, in the ravine of said river, and shall also have granted the state of Pennsylvania, or to such person or persons, or company, as may be appointed or incorporated by the state of Pennsylvania, for the purpose of constructing the railroad to be connected with the Baltimore and Ohio railroad as aforesaid, like powers and privileges for the construction, control, use, repair and preservation of the railroad, and the necessary appurtenances, to be made and connected within Maryland, as aforesaid, to those which were given to the Baltimore and Ohio railroad company, for the construction, control, use, repair and preservation of the main track or route of its railroad, and all necessary appurtenances, nor until the Baltimore and Ohio railroad company shall have agreed and stipulated to allow the said connexion with its main road, to be made in manner aforesaid, if such consent be necessary, nor in any event, until the said company shall have agreed and stipulated to extend equal facilities to those given generally on its main railroad, and to make no higher or other charges per mile for the transportation of persons or things passing on its main railroad, toward or from the railroad which shall be made from the line of this state, and connected with said main railroad, than shall be at the same time made or charged for the transportation of like persons and things, in the like direction; that is to say, eastwardly or westwardly respectively, when passing over the whole line or length of the railroad of said company, so long as the charge for transporting like persons and things, towards or from the Baltimore and Ohio railroad, along the whole line of the railroads constructed by authority derived from the state of Pennsylvania, on which such persons and things may be transported, shall not be less per mile than is at the same time charged per mile for the transportation of like persons and things on so much of the Baltimore and Ohio railroad as is situate eastwardly of the aforementioned point of connexion with the said Baltimore and Ohio railroad, and whenever the charge for transporting like persons and things

Point of connection.

Equal facilities and charges for transportation.

Rates of toll.

Regulation  
of tolls.

3d Proviso.

Plan of dam  
to be approved by Canal  
Commissioners and Engineer.

towards or from the said point of connexion, shall be less on the railroads constructed by authority derived from the state of Pennsylvania, than to charge for transporting persons and things passing to or from said connecting railroad, on that portion of the railroad of the Baltimore and Ohio railroad company, situated westwardly of said point of connexion in which the said transportation shall occur, only such rates of tolls and transportation per mile, on such persons and things per mile, eastwardly or westwardly respectively, as much as the rates shall have been per mile below said uniform rates for transporting like persons and things, when proceeding to or from the Baltimore and Ohio railroad, on the railroads constructed by authority derived from the state of Pennsylvania, and on which such persons and things may pass, either towards or from the railroad of the Baltimore and Ohio railroad company: And if any railroad or railroads constructed in Pennsylvania shall connect with the Baltimore and Ohio railroad, under the provisions of this act, the same rules respecting the regulation of tolls and charges on persons and things passing on the Baltimore and Ohio railroad, to and from the said connected railroad, shall be observed on the said Pennsylvania railroads, that are stipulated by this act to be observed on the said Baltimore and Ohio railroad, with respect to persons and things passing on the said Pennsylvania railroads, to and from the said Baltimore and Ohio railroad; and any railroad company, to entitle it to the benefits of this act, shall agree and stipulate to observe the said rules respecting the regulation of tolls on persons and things passing the railroads of said companies, to and from the said Baltimore and Ohio railroad: *Provided further*, That if at any time a company should be incorporated, or if the commonwealth should undertake to construct a canal from Columbia to the Delaware river, or bay, or any of the tributaries thereof, said company or commonwealth shall be at liberty to commence said improvement at the dam contemplated to be constructed by the company incorporated by this act, on the east side of the Susquehanna river, and shall be allowed the privileges of using the waters of said dam for all purposes necessary to the establishment of navigation by canal, that in case the said company in pursuance of the authority given by this act, shall determine to construct a dam across the river Susquehanna, at any point below the Columbia bridge, it shall be the duty of the said company to submit the plan of said dam to the board of Canal Commissioners, or to an engineer, to be appointed by them for that purpose; and nothing in this act shall be so construed as to permit the said company to commence the construction of said dam, until the said commissioners or engineer so to be appointed shall approve the same, and shall certify to the Governor that the construction of said dam will not injure, or in any

wise endanger the Columbia bridge: *Provided also*, That if the said canal should be continued under the authority of the state of Maryland, or otherwise, from the state line to tide, by the said Susquehanna canal company, or its stockholders, or any of them, then the commonwealth of Pennsylvania shall have the same right to purchase all the interest and property of said company, or stockholders, in and to said continued canal, within the state of Maryland, as it has to purchase that portion being within the state of Pennsylvania; and the said owner or owners of said prolonged canal shall not be at liberty to refuse such offer to purchase, if made to them, under penalty of forfeiting to this commonwealth all their interest in the said canal lying within this state: *Provided*, that no purchase of said prolonged canal shall be made until after the expiration of fifteen years from the completion thereof, or as mentioned in the third section of this act.

4th Proviso.  
Right of Pennsylvania to purchase the canal

After fifteen

SECTION 2. If at the expiration of two years after the said canal shall have been completed, the tolls should enable the company, after paying all repairs and other expenses, to divide more than fifteen per cent. per annum on the capital stock expended, then, and in such case, the tolls shall be so reduced that the dividend shall not exceed fifteen per cent., and shall so continue for five years; and if after the expiration of that time they shall exceed fifteen per cent., they shall be so reduced as not to exceed fifteen per cent., and after that period shall be so regulated, from time to time, as not to exceed fifteen per cent; and if at any time after the completion of the said work, it shall be found that the net proceeds aforesaid shall not amount to six per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide six per cent., and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in: *Provided*, That nothing herein contained shall be construed to repeal that part of the tenth section of the act to which this is a supplement, or regulating the amount of tolls.

Dividends not to exceed 15 per cent.

Tolls may be raised so as to divide 6 per cent.

Proviso.

SECTION 3. This commonwealth may exercise the right of purchase of the said canal from the said company, in accordance with the provisions of the twentieth section of the act of incorporation, or in such manner as the legislature may hereafter designate: *Provided*, The money expended, and the interest thereof, as specified in the twentieth section of the act to which this is a supplement, is paid: *And provided*, That no purchase, as aforesaid, shall be made till after the expiration of fifteen years from the completion of the said work.

Right of purchase.

Proviso.

2d Proviso.

SECTION 4. If any stockholder in said company, who shall refuse to assent to the provisions of the charter as modi-

Subscribers not liable. Proviso. fied by this act, shall make affidavit that he subscribed for the said stock on the ground that the said canal should be constructed on the west side of the river, such subscriber shall not be held liable for payment of the balance of his subscription, and shall be entitled to have the money paid by him on account of his subscription, refunded by the said company: *Provided*, Such affidavit be made and forwarded to the treasurer of the company within three months from the passage of this act.

Outlet lock near Havre-de Grace. SECTION 5. The said Susquehanna canal company shall at all times keep an outlet lock, at or near Haverdegrace, in complete order and repair, through which an easy and free passage may be had for boats, from the said canal to the Chesapeake bay; (and no tolls shall be charged by the said company on any ark, raft, boat or other craft, or its cargo, ascending or descending the said locks, for the use thereof;) and the said company shall connect their said canal with the Conestoga navigation, so as to secure a safe and easy passage from the one to the other, and shall keep the same in repair: *Provided*, That the Conestoga navigation company shall put and keep the said in good repair, and in such condition as to admit of the easy ascent and descent of canal boats and other craft, to and from the city of Lancaster: *And provided*, That no dam shall be made in the river in forming such connection, exceeding three feet in height, and the same shall be sloped, and a schute formed in the said dam, in the same manner and of the same dimensions as is herein directed with respect to the Columbia dam: *Provided*, The same shall not injure the descending navigation of the Susquehanna.

Canal to be connected with the Conestoga navigation. Proviso. 2d Proviso. 3d Proviso.

Proviso relative to Wm. Wright's privilege. SECTION 6. *And provided*, That any rights, privileges or property, which William Wright may have conferred upon him by virtue of an act of assembly, passed the eleventh day of February, one thousand eight hundred and three, entitled "An act authorizing William Wright to lead off and use part of the waters of the Susquehanna, on his own land in York county," if injured or interrupted by the location or construction of the dam or canal hereby authorized, any damage which may be sustained by him in consequence thereof, shall be ascertained and determined, as directed by the eighth section of the act to which this is a supplement, in other cases of damage.

Damage, how ascertained.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.  
THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

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

JOS. RITNER..