

No. 12.

A FURTHER SUPPLEMENT.

To the act entitled "An act to authorize the Governor to incorporate the Susquehanna Canal 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 the second proviso of the fifth section of the act entitled "a supplement to the act entitled an act to authorize the governor to incorporate the Susquehanna canal company," approved the twenty-first day of March, Anno Domini, one-thousand eight hundred and thirty-six, be and the same is hereby repealed, and that the time at which the state is authorized to purchase out the canal and works of the said company, is hereby extended to twenty-five years, and that so much of any law as authorizes the state, in making said purchase, to deduct from the sum of principal and interest stipulated to be paid, the dividends before declared by the said company on the capital stock, be and the same is hereby repealed, *Provided, however,* That if the dividends so declared shall amount to or exceed six per cent on the principal sum expended, then the state shall pay no interest. *And provided further,* That if the dividends so declared shall not amount to six per cent. per annum, the commonwealth shall, if it purchase the said works, pay the original cost and the deficiency on said dividends, so as to give the said company six per cent. on the entire cost of said works: *Provided further,* That this company, or any of its officers, stock holders or agents, in the name of the company, shall be and hereby is prohibited from making, issuing, re-issuing or circulating any promissory note, ticket or engagement of credit in the nature of a bank note, or any paper, promising on its face, to give in exchange any bank note or notes, goods, valuables or credit, to the holder or holders thereof of any amount whatsoever, under the penalty of an immediate forfeiture of all and singular the rights, benefits, privileges and immunities conferred upon or granted to it, by this or any former act or supplement to an act.

Proviso
repealed

State may
purchase at
end of 25
years

Terms

Banking by
company pro-
hibited

Dam at Con-
estoga

SECTION 2. In forming the connexion of the Susquehanna canal with the Conestoga navigation, so as to secure a safe and easy passage from the one to the other, as required by the fifth section of the act above referred to, the dam which shall

be made in the river shall not exceed five and an half feet in height, and shall be so constructed as not to injure or obstruct the descending navigation of the river, nor impede the ascent of the fish. A sluice or schute shall be constructed in said dam 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 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 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 aggrieved, and if they cannot agree, the said referees shall choose a third person; and the award of a majority shall be final, or may be recovered as damages are now by law recoverable in the courts of this commonwealth having jurisdiction thereof; *Provided*, That the said company shall submit the plan of the 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, or in the acts to which this is a supplement, 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, in any way, injure or obstruct the descending navigation of the river.

WM. HOPKINS,

Speaker of the House of Representatives.

JNO. H. EWING,

Speaker of the Senate, pro tempore.

APPROVED—The twenty-first day of February, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.