

tion of Philadelphia; vacancies in the school boards in the county of Philadelphia; to lost mortgages; auditors of Philadelphia county; rebuilding of the court house in Philadelphia; to enable the commissioners of Philadelphia county to borrow money; to settle certain accounts between Spring Garden and the commonwealth; and respecting the appointment of auditors," was presented to the late governor, Francis R. Shunk, on the eleventh day of April, one thousand eight hundred and forty-eight, was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if it had been signed.

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, January 24, 1849.

No. 421.

A SUPPLEMENT

To an act to authorize the governor to incorporate the Erie 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 said Erie canal company shall be and is hereby empowered to charge and receive tolls for the passage of merchandize and other commodities on said canal, at a rate not to exceed one cent per mile for every thousand pounds, and shall be and is hereby allowed to discriminate in the rates of toll so charged and received between that which passes through the whole length of the line and that which passes only through portions of the same: *Provided*, That no discrimination in the rate of tolls shall be made on any merchandize or other commodities shipped to or from any point of the said canal between Adams' dam and the Ohio river: *Provided further*, That the same discrimination shall be made upon the same articles coming from or going to the Pennsylvania and Ohio canal, so that the rates of toll charged and received upon the through and local trade, upon both lines, shall be the same; that so much of the thirteenth section of the act to which this is a supplement, as is hereby altered, be and the same is hereby repealed: *Provided also*, That iron, iron ore, coal and lumber, on which no higher rate of tolls shall at any time be charged than the rates authorized to be charged by the act to which this is a supplement; that the Erie canal company shall not discriminate on through trade in the rate of tolls charged on boats, passengers, or freight on account of the same passing either northward or southward, and that the said company shall not charge any lower rates on boats, passengers, or freight coming on to their canal from the Pennsylvania and Ohio canal and passing from the junction to the borough of Erie, than the rates now charged by the said Erie canal company.

Rates of toll.

Allowed to discriminate in the rates of toll.

Proviso.

Proviso.

Proviso.

Collectors of toll upon said canal authorized to administer oath, &c.

SECTION 2. That the several collectors of tolls upon the canal shall have authority to administer oaths or affirmations to any owner, master, or other agent of any boat or float used upon said improvement, and to examine them on oath or affirmation touching the weight and description of their cargoes, and in relation to all other matters and things connected with the faithful discharge of the duties of said collectors; and any person who shall knowingly swear falsely before any of the said collectors, shall be liable to prosecution, conviction and punishment, as in other cases of wilful perjury.

Erie canal company required to construct a lock or schute on the French creek feeder or dam at Bemus' mills.

SECTION 3. That the said Erie canal company be and they are hereby required to construct a lock or schute at their own election, in or upon the French Creek feeder or dam, at Bemus' mills, in Crawford county; said lock or schute shall be so constructed as to insure the safe and uninterrupted navigation downward of French creek, over the said schute, or through the said lock, and a bridge across the Shenango pool at or near Western reservoir harbor, where the public road crosses said pool, not inferior to the bridge across the Shenango, at Pulaski, in Mercer county, and to charge therefor as part of the cost of construction of said canal; and if the company should elect to construct a lock, then they shall be entitled to charge and collect reasonable tolls for the passage of boats and rafts, subject, however, to the control of the legislature: *Provided*, That the lock or schute and bridge as aforesaid, shall be constructed on or before the first day of October, one thousand eight hundred and fifty, otherwise this act to be null and void: *And provided further*, In case the said company elect to build a lock, said lock shall not be less than one hundred and ten feet long and twenty feet wide in the clear.

Proviso.

Required to pay at the treasurer's office of said company, interest on bonds due, &c.

SECTION 4. That the said Erie canal company be and they are hereby required to pay at the treasurer's office of the said company in Erie, on the first day of January, one thousand eight hundred and forty-nine, or as soon thereafter as may be demanded at their office aforesaid, and annually thereafter in like manner, the interest then falling due upon all bonds and certificates for the preceding year, issued by the said Erie canal company; and upon failure to comply with the provisions of this section and the third section, then the first section of this act shall be null and void.

Reservation.

SECTION 5. That the legislature reserves the right to alter or repeal this act, whenever they may deem it injurious to the commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

We do certify that the bill, entitled "A supplement to an act to authorize the governor to incorporate the Erie canal company," was presented to the late governor, Francis R. Shunk, on the thirty-first day of March, eighteen hundred and forty-eight, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if it had been signed.

Clerk of the House of Representatives.
SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, January 24, 1849.