

appoint three commissioners to view the said dam, and to compare it with the limitations and provisions herein set forth and enacted, and to report to them at the next sessions in the said county, the state thereof, which report, on oath or affirmation, if it contain an offense against this act, shall be sufficient ground for the court to direct a bill of indictment to be sent to the grand jury, and upon prosecution to conviction of an offense against this act, the party or parties so convicted shall be liable to pay a fine not exceeding two hundred dollars, at the discretion of the court, and the court shall adjudge so much of the said dam to be abated and altered as shall bring the same within the limitations and provisions in this act.

Passed February 25, 1795. Recorded L. B. No. 5, p. 375, etc.

CHAPTER MDCXCIX.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR OPENING A CANAL AND LOCK NAVIGATION ON THE WATERS OF BRANDYWINE CREEK."¹

Whereas, by the twenty-first section of the act, entitled, "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation on the waters of Brandywine Creek,"¹ passed the tenth day of April in the year of our Lord one thousand seven hundred and ninety-three, it is enacted and declared that nothing in the said act contained should be deemed or taken to authorize or empower the governor to incorporate any persons subscribing, in manner therein-before mentioned, or should give any power or authority to such subscribers to do any act, matter or thing therein mentioned, until such time as the legislature of the state of Delaware should, by law, vest the like power and authority in such subscribers to extend the said canal navigation, from the place where the same should intersect the line dividing this state from the state of

Delaware, in and through the same state, into the tide waters of the river Delaware:

And whereas it now appears to the legislature of this state that an extension of the said canal navigation, in manner hereinafter mentioned, would be sufficient to answer the purposes for which the incorporation of the said company was intended:

[Section I.] (Section I, P. L.) 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 and may be lawful for the governor of this commonwealth, and he is hereby authorized and empowered to incorporate the subscribers to the said canal and lock navigation, according to the directions and having respect to the several provisions, limitations, restrictions, terms and conditions contained in the said act, to which this is a further supplement, as soon as the legislature of the state of Delaware shall by law direct and empower the said subscribers to extend the said canal and lock navigation, from the place where the same will intersect the line dividing this state from the state of Delaware, in and through the same state, without any diminution of its size, or stoppage of its waters other than the necessary locks, until it is within thirty feet of the navigable waters of Christiana creek, and shall bind the subscribers, by the said law, to provide safe, easy, permanent and expedient mode of conveying the goods, wares, merchandise and other articles of lading, which shall have been carried in boats along the said canal, without any additional toll or expense, to the tide waters of Christiana creek, and also to provide the same mode of conveying the goods, wares, merchandise and other articles that may be brought to the nearest landings on the tide waters of Christiana creek, for the purpose of being conveyed up the canal and lock navigation aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much and such part of the twenty-first section of the said recited act of assembly, to which this is a further supplement, as is hereby supplied, or as is repugnant to or inconsistent with the directions of this act, be, and the same is hereby, repealed, annulled and made void.

[Section III.] (Section III, P. L.) And whereas, by the

fourth section of the said act of assembly, to which this is a further supplement, commissioners were appointed to view and lay down the courses and distances of the said canals, and return a plan thereof, with topographical observations thereon, to the general assembly then next succeeding the passing of the said act, which plan, being approved of by the legislature, was directed to be pursued by the president and managers of the said canal, and by the second section of an act of assembly of this commonwealth, entitled, "An act to enable the governor of this commonwealth, to incorporate a company, for opening a canal and lock navigation on the waters of Brandywine creek,"¹ passed the nineteenth day of March last past, the time allowed for the said commissioners to return the said plan was extended, so as to authorize them to return the same at any time during the sitting of the general assembly then in session, or before the end of the present general assembly:

And whereas the said commissioners have returned the said plan to the legislature now sitting:

[Section III.] Be it therefore enacted by the authority aforesaid, That the plan of the courses and distances of the said canals, returned as aforesaid by the said commissioners to the present general assembly, so far as the same passes through this state, be, and the same is hereby approved of, and confirmed; and the president and managers of the said company are hereby directed to pursue the same, according to the regulations contained in the said recited act, to which this is a further supplement.

¹Chapter 1684

Passed February 21, 1795. Recorded L. B. No. 5, p. 379, etc.