

Half of profits over 12 per ct. to go to education fund. on the capital expended, one half of the said excess shall be paid into the State Treasury for the benefit of the education fund.

Persons doing wilful injury to works of company liable to penalty and indictment.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly break, injure, or destroy the rail road, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company, the actual damages so sustained, to be sued for and recovered, with cost of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of said company, and shall also be subject to indictment in the court of Quarter Sessions of the proper county; and upon conviction of such offence shall be punished by fine and imprisonment, at the discretion of the court.

Part of 25th section of original law repealed.

SECT. 11. *And be it further enacted by the authority aforesaid,* That so much of the twenty-fifth section of the act to which this (is) a further supplement as restricts said company from engaging in the transportation of merchandize, lumber, coal, grain, flour, on any other article, be and the same is hereby repealed.

Reservation of right to resume privileges.

SECT. 12. *And be it further enacted by the authority aforesaid,* That if the said company shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the Legislature may, at any time thereafter, resume all and singular the rights, privileges and franchises hereby granted to the said company.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

JESSE R. BURDEN,

*Speaker of the Senate.*

APPROVED—The fourth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 78.

## A SUPPLEMENT

To an act entitled, "An act to improve the navigation of the Susquehanna river."

Preamble.

WHEREAS, by an act of the thirty-first of March, one thousand eight hundred and twenty-three, for improving the navigation of the river Susquehanna, a course was directed to be made along the York county shore from Vinegar's

ripples to Turkey Hill falls, and as the term of service of the commissioners expired before the utility of the work had been tested, it was found upon trial that a part of the channel above Wrightsville had not been made sufficiently deep for common low water for the running of arks and rafts, causing much inconvenience and delay of business and destruction of property: Therefore,

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 sum of three hundred dollars be and the same is hereby appropriated for the purpose of finishing the course and improving the navigation of the Susquehanna along the York county shore, from Wrightsville to the point opposite Cheekiesalungo creek, out of the unexpended balance of the appropriation per act of the thirty-first of March, one thousand eight hundred and twenty-three, to which this is a supplement.

\$300 of an unexpended balance appropriated to improve navigation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Robert Boyd and William White, of the county of York, be, and they are hereby appointed commissioners to perform the duties required by this act, in improving the navigation of the river Susquehanna; they shall give a bond to the commonwealth, in a sum equal to the aforesaid appropriation, with sufficient sureties for the faithful performance of the duties required of them, when the Governor is hereby authorized and required to draw his warrant on the State Treasurer, in favor of the commissioners, for the amount hereby appropriated; they shall have the like power, in making contracts, that was vested in the commissioners, in the act to which this is a supplement; they shall make a fair statement of the moneys received and expended, on or before the first day of January, one thousand eight hundred and thirty-four, under oath or affirmation, to the Auditor General, who is to settle and adjust the same: *Provided,* That the said commissioners shall not be allowed more than one dollar for each day necessarily employed in the performance of their duty.

R. Boyd and W. White appointed commissioners. To give bond.

Powers and duties.

Proviso: Compensation.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.