No. 342.

AN ACT

To extend the time for completing the Bald Eagle and Spring Creek navigation.

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 time for completing the Bald Eagle and Spring Creek navigation company, mentioned in the twenty-fourth section of the act of the fourteenth of April, one thousand eight hundred and thirty-four, and the fourth section of the act of the twenty-eighth April, Anno Domini one thousand eight hundred and forty, be and the same is hereby extended for a further period of five years.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 343.

AN ACT

Authorizing the construction of an out-let lock on the Delaware division of the Pennsylvania canal.

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 canal commissioners are hereby authorized and required to construct an out-let lock, at least one hundred feet long, by twenty-two feet wide, from the head of the level of the feeder, to the Delaware division at Wells' falls, and to complete the connection between the said feeder level and the river Delaware; and to defray the expenses of the construction of said out-let lock and fixtures, and to pay such damages as may be assessed, as herein directed, the said commissioners are hereby authorized to borrow such sum as may be necessary for that purpose, not exceeding twenty thousand dollars, at a rate of interest not higher than five per cent. per annum, payable half yearly, if such loan can be had on the terms, and in view of the means of the payment of the principal and interest thereof, as hereinafter directed.

Canal commissioners to construct an out-let lock at Wells' falls, Delaware division.

Authorized to borrow money to defray expenses.

Tolls.

SECTION 2. That the said commissioners shall cause to be charged, collected, and paid into the state treasury, the same amount of tolls on all freight passing out of the Delaware division, through said out-let lock, which would be chargeable on such freights, from their place of shipment on the canal, to Bristol; and on all freights entering the Delaware division, through said out-let lock, the same tolls which would be chargeable on such freights, from Bristol to their place of leaving the canal.

To erect dam.

SECTION 3. That the said commissioners are also hereby authorized to erect a dam across the river Delaware, at Wells' falls, in order to facilitate navigation, passing to and from said out-let lock, and to increase the supply of water for the lower levels of the said canal, without the water wheels now used there for that purpose, if the legislature of New Jersey shall consent thereto; the said dam to be not more than three feet above the ordinary low water surface of the river, with a suitable opening and schute, as wide as the present rafting channel, so constructed, with head walls and fixtures, as to render the ascending and descending navigation as safe, easy and convenient as it now is, at said falls, and so as not to prevent the passage of fish and Durham boats, upwards; and to defray the expenses of the construction of said dam, and to pay such damages to private property as may be assessed, as hereinafter directed, the said commissioners are hereby authorized to borrow such sum as may be necessary for that purpose, not exceeding twenty thousand dollars, at a rate of interest not higher than five per cent. per annum, payable half yearly, if such loan can be had on the terms, and in view of the means of the payment of the interest and principal thereof, as hereinafter directed.

Damages to be assessed and paid.

SECTION 4. That all damages to private property sustained, or likely to be sustained, by reason of the construction of said out-let lock, or dam, or by raising the water in said river Delaware, in consequence of said constructions, shall be assessed as soon as practicable, by said canal commissioners, and be forthwith paid on their warrant, out of the money borrowed by virtue of this act; and said commissioners shall cause to be retained, out of said money first borrowed, so much thereof as they shall reasonably estimate will cover and pay all such damages; and if, on assessment thereof, there should be any deficiency in such retained fund, to pay said damages, such deficiency shall be made up from the residue of said loans, which would otherwise go to defray the expense of said constructions; and in the assessment of said damages, the said canal commissioners shall take into consideration, the advantages to the owners of such property arising from said constructions.

Additional toll to be charged for the payment of expenses, &c.

SECTION 5. That for the establishment of a fund to defray the expenses of managing and repairing said out-let lock, and dam, and to pay the interest and principal of said loans authorized by this act, the said canal commissioners shall also charge, as a boat toll, on each boat passing through said out-let lock, in addition to the freight tolls imposed by the second section of this act, the sum of one dollar; and cause said additional boat toll to be paid into the state treasury, and there set apart as a separate fund, for the payment of the current expenses of managing and repairing said out-let lock, and dam, an accurate account of which shall be kept by said commissioners; and the surplus over the payment of said expenses, to be applied, semi-annually, to the payment of the interest and principal of said loans, under such regulations as the auditor general and state treasurer may prescribe; and said surplus fund of said boat toll shall be the only source from which said loans shall ever be paid; and a failure of payment from that fund shall never, in any event, make the commonwealth responsible for the same.

When toll may be reduced.

SECTION 6. That if at any time hereafter, said expenses for management and repairs, and the principal and interest of said loans shall be fully paid, then the said boat toll shall be reduced by said commissoners to fifty cents on each boat passing through said out-let lock, which said toll shall continue thereafter, to be paid into the state treasury, and to be set apart as a fund exclusively to defray the expense of managing and repairing, or if necessary, of re-building said out-let lock and dam; and if said dam should not be constructed under the provisions of this act, still the provisions thereof, in relation to said boat tolls, and the appropriation thereof, shall be carried into effect, as respects the construction, management and repairs of said out-let lock.

Loan to be paid into state treasury.

SECTION 7. That the said loan or loans shall, when taken, be paid into the state treasury, and in the progress of the construction authorized by this act, shall be drawn on the warrants of said canal commissioners; and said commissioners shall make no contract for the payment of money other than out of the loans or funds herein provided; nor shall they incur any expenses upon the commonwealth, on account of said construction, but shall keep an accurate account of all their expenditures, in the premises, and shall make all their contracts on the most judicious and economical terms possible.

How and by whom location and construction of dam to be fixed.

SECTION 8. That the location and construction of said dam shall be upon a plan to be fixed and approved by said canal commissioners, and by three commissioners of the state of New Jersey, if said state shall appoint such commissioners.

Assent of Pennsylvania is given to Trenton water company upon certain conditions.

SECTION 9. That as soon as the legislature of New Jersey shall have passed a law authorizing and consenting to the construction of said dam, then and from that time, the consent and authority of Pennsylvania is hereby given to the Trenton water power company, and their successors, with the consent of New Jersey, to construct and maintain a dam across the river Delaware, at or near the head of the raceway at Slack's island, or Scudder's falls, for the purpose of supplying water to the said raceway; said dam not to be higher than three feet above the ordinary low water surface of the river, with a suitable opening and schute, as wide as the present rafting channel, and so constructed, with head walls and such fixtures, as will render the ascending and descending navigation as easy, safe and convenient as the same now is, at said island, and at all times, to keep and maintain the same, so as to preserve said state of navigation; the plan and structure of said dam to be approved by three commissioners, to be appointed by New Jersey, and by the canal commissioners of Pennsylvania: *Provided*, That no private property within this commonwealth shall be taken for the construction of said dam, at Slack's island, or Scudder's falls, nor be overflowed, nor injured thereby, without the consent of the owners thereof.

Reservation.

SECTION 10. The legislature hereby expressly reserves the right, at any time hereafter, to close and keep closed said out-let lock, without incurring any responsibility for the expenses of the construction thereof, or of said dam, if, in the opinion of the legislature, the continuance of said out-let lock will be injurious to the interests of this commonwealth.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.