

LAWS OF PENNSYLVANIA,

so injured, to prosecute the owner or owners of such break-water by indictment in the court of quarter sessions for the county of Dauphin, as a common nuisance; and on conviction, the said court to impose such fine as the judges thereof may think proper, on the owner or owners, not to exceed one hundred dollars; and such fine shall be paid into the treasury of the commonwealth for the use thereof.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 262.

A SUPPLEMENT

To an act, entitled "An Act to authorize the New York and Erie railroad company to construct said railroad through Susquehanna county.

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 so much of an act, passed the twenty-sixth day of March, Anno Domini one thousand eight hundred and forty-six, entitled "A supplement to an act, entitled 'An Act to authorize the New York and Erie railroad company to construct said road through a portion of Susquehanna county, in the state of Pennsylvania,' passed the sixteenth day of February, A. D. one thousand eight hundred and forty-one," as is contained in the words following, viz: "*Provided also*, That the said New York and Erie railroad shall cross the Delaware river, into the said county of Pike, at some point between Carpenter's Point and the glass house: *Provided also*, That the said New York and Erie railroad company shall permit a connection at or near Carpenter's Point, in the county of Pike, with any railroad company now chartered, or hereafter to be chartered, by this state," be and is hereby amended, so as to read as follows: The said New York and Erie railroad shall cross the Delaware river, into the said county of Pike, at some point between Carpenter's Point and Bolton Basin: *Provided*, That the said New York and Erie railroad company shall, by the first day of October, in the year one thousand eight hundred and fifty-two, erect a permanent and substantial bridge across the river Delaware, between Sim's Clip and the rope ferry, at Matamoras, with a double track, one of which shall be suitable for laying a railroad track thereon; which bridge it shall be the duty of the said company, forever thereafter, to keep in good order and repair; and at which bridge they shall be entitled to charge and receive the same rate of tolls now charged at the bridge across the river Delaware, at the borough of Easton; and whenever any company, incorporated or to be

Part of former
act amended.

Proviso.

incorporated in Pennsylvania, shall construct a railroad to the abutment of said bridge, it shall be the duty of the said New York and Erie railroad company to connect such Pennsylvania railroad, with the said New York and Erie railroad, by means of a branch railroad upon one of the tracks of the said bridge, and thence to their railroad at or near their depot at Port Jervis, in the state of New York; which branch railroad, together with the said New York and Erie railroad, east and west of Carpenter's Point, shall be subject to all the provisions of the third section of the act of the twenty-sixth of March, one thousand eight hundred and forty-six, to which this is a supplement, including the prohibition of discriminating tolls: *Provided*, That no tolls shall be levied on passengers or freight, transported in said railroad cars, for passing over said bridge, after the connection is made with any railroad hereafter to be constructed in Pennsylvania: *Provided further*, That in case any company incorporated in Pennsylvania for the purpose, shall construct a railroad to the Delaware river, between the points above specified, prior to the first day of October, one thousand eight hundred and fifty-two, then said New York and Erie railroad company shall forthwith commence, and with all proper speed construct said bridge and railroad.

SECTION 2. That the said New York and Erie railroad company shall, when said bridge is completed and in use, pay all damages done to private property, as well as any damage, immediate or consequential, which may be sustained by the owner of the rope ferry at Matamoras, his heirs or assigns, in consequence of the construction of said bridge; the last mentioned item in no event to exceed three thousand dollars; and in case the parties cannot agree upon the amount, the same shall be ascertained and paid in the manner provided in the original act to which this is a further supplement: *Provided*, That if the said New York and Erie railroad company shall neglect or refuse to comply with the provisions of this act, the commonwealth of Pennsylvania reserves the right to assess and collect a tax of one dollar upon said company, for each passenger carried on the said New York and Erie railroad in Pennsylvania, until a sum sufficient shall be so collected to construct the bridge, provided for in this act, as well as to pay all damage that may be done to private property, as above provided for. And in case said company shall neglect or refuse to pay the tax hereby imposed, it shall be the duty of the canal commissioners of Pennsylvania to appoint a collector, and adopt such other measures as may be necessary to enforce such payment: *Provided also*, That if the said company shall, at any time, neglect or refuse to comply with, or carry out any of the provisions of this supplement, the legislature reserves the right to repeal the act of the sixteenth of February, one thousand eight hundred and forty-one, and all the supplements thereto; and for the purpose of ascertaining whether there has been any such neglect or refusal, the same proceedings shall be had as is provided in the seventh section of the supplement to which this is a further supplement: *Provided further*, That nothing in this act shall be construed to exonerate the New York and Erie railroad company, from the payment of the ten thousand dollars per annum to the commonwealth of Pennsylvania, as required by existing laws.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.