

4

and privileges acquired under the act of '83 was sold and purchased by the present proprietors for fifty thousand dollars. That the construction put by the subsequent proprietors upon the covenant with Wilson, under whom Bosley holds, is believed to be essentially different from that put upon it by the original grantee, and that they themselves have put opposite constructions on the same covenant, as suited their interest and convenience.

That the present company have at various times by excavations and embankments, made large ponds and reservoirs for the reception of arks and rafts passing down the canal, and in this way have acquired an enlargement of their water powers; and by so doing have entirely destroyed the only tow-path which could be used as a highway by the public or the party holding under Wilson. Your committee are further of opinion, that the canal as made before the construction of those ponds and reservoirs, was amply sufficient to answer the purposes for which the company were incorporated.

That the construction of reservoirs does not in the slightest degree facilitate the passage of boats, arks or rafts through the canal, and cannot, in the nature of things, have been so intended, but was designed by the company solely as inducements for the descending navigation of that river, to pass through the canal, by affording to them harbours and places of deposit, not contemplated by the framers of the act of 1783. Your committee would further remark that an enlargement of the powers as asked for by the company, (if not so intended by them) would produce material injury to the harbours and ports of deposit on the Susquehanna river, and seriously affect the several interests immediately bordering the canal.

That it appears to your committee, from all the testimony presented to them, that the company possess, at use, at this time an area of water, sufficient to bear its surface, more than twice the number of boats, arks and rafts descending that river; and that the only obstructions which have ever been experienced in the descending navigation, have taken their rise in the efforts which have been made, to afford harbours, and of increased facilities for the trade and commerce of