

Dec. Ses. 1823

Time limited for construct- ing.

Forfeiture of right.

Western sec- tion.

Time limited.

Forfeiture. Repairs.

Lateral canal states rights reserved

Proviso

the same or any branch thereof as may reach some convenient point thereon for connecting the eastern and western waters, by a tunnel through, or an open cut across the dividing ridge between the same, and thence after crossing the said dividing ridge shall proceed to the highest steam boat navigation of the Ohio River or of some one tributary stream thereof in such direction as in the opinion of the said President and Directors shall be best calculated for the attainment of the end, set forth in the preamble of this act. That the said President and Directors shall first construct the eastern section aforesaid out of the capital stock hereinbefore mentioned, and shall next proceed to construct with all possible dispatch the western section thereof, in case the said company shall not begin the said work within two years after it shall have been formed, or if the work having been so begun shall not be diligently prosecuted so that one hundred miles of the said canal with the adequate locks and incidental improvements shall not be completed and in fit order for navigation in the term of five years from the commencement of the work, then all interest of the said company in the navigation and toll shall cease and determine and their charter shall thereafter be taken to be null and void; and so in like manner shall the said charter be null and void if the entire eastern section be not completed in the term of twelve years from the said commencement, and should the said company fail to begin the western section of the said canal in two years after the term allowed as aforesaid for the completion of the eastern section, or having begun the western section shall fail to complete the same in six years after such beginning, then all right title and interests of the said company in the said western section shall cease and determine, and the several states aforesaid, shall have full authority to incorporate another company for the completion of such section or to complete the same in any other mode which they may deem expedient; and if after the completion of the said canal and locks, the President and Directors shall fail to keep the same in repair for twelve months at any time, then in like manner their interest in the navigation and tolls shall cease and their charter shall be forfeited.

21. *And be it enacted*, That the right to the waters of the river Potomac for the purpose of any lateral canal or canals which the State of Maryland or Virginia, may authorise to be made in connection with the said canal is reserved to the said states respectively; That a similar right is reserved to the State of Pennsylvania in relation to the rivers and streams within the territory of that state, the waters of which may be used in supplying the western section of the said canal; that the government of the United States, shall retain the power to extend the said canal in or through the District of Columbia, on either or both sides of the river Potomac; *Provided*, that before this act shall take effect, the Congress of the United States shall authorise the states of Maryland and Virginia, or either of them to take and continue a canal from any point of the above named canal or the termination thereof, through the territory of the District of Columbia or any part thereof to the territory of the said states or either of them in any direction they may deem proper, upon the same terms and conditions and with all the rights, privileges and powers of every kind whatsoever, that the company incorporated by this act, have to make the Chesapeake and Ohio Canal; *And provided also*, that in taking or extending such lateral ca-