

*Acts of the Legislature of Pennsylvania
relative to the Schuylkill Navigation Company*
Philadelphia: Joseph and William Kite
1838

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ACTS

OF THE

LEGISLATURE OF PENNSYLVANIA,

RELATIVE TO

THE SCHUYLKILL NAVIGATION COMPANY.

PHILADELPHIA:

PRINTED BY JOSEPH AND WILLIAM KITE,

CORNER OF SEVENTH AND CARPENTER STREETS.

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1838.



L A W S

R E L A T I V E T O

The Schuylkill Navigation Company.

AN ACT

To authorize the Governor to incorporate a Company to make a Lock Navigation on the River Schuylkill.

SECT. I. *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 Samuel Wetherill, junior, Jonathan Williams, Samuel Richards, Robert Kennedy and Josiah White, of the city of Philadelphia, Conrad Carpenter, Francis Deal and Joseph Starne, of the County of Philadelphia, Levi Pawling, Matthias Holstine, Philip Hahn, Jesse Bean, Thomas Lowry, Andrew Tod, Joseph Potts, David Rutter and Amos Evans, of the County of Montgomery, Lewis Wernwag, Joshua Malin, Enoch Walker, John Rinehart and John Heister, junior, of the county of Chester, Lewis Rees, John S. Heister, John Wiley, James May, Jacob K. Boyer, John Brewer, Matthias Brooke, Robert Scott, Abraham Bailey, Abraham Wolf, of the county of Berks, James M'Farland, John Pott, Daniel Graeff, George Dreibilbis and John Mullowny, of the county of Schuylkill, or any two of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, *that is to say,* They shall, on or before the first Monday in May next, procure a sufficient number

Commissioners named.

Their duty.

of books, one or more of which shall be opened at some convenient place or places in the city and county of Philadelphia, also at Norristown and Pottstown in the county of Montgomery, at Reading and Hamburg in the county of Berks, and at Orwigsburg in the county of Schuylkill, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Schuylkill Navigation Company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an Act of the General Assembly of this Commonwealth, entitled 'An Act to authorize the Governor to incorporate a Company to make a Lock Navigation on the River Schuylkill.' Witness our hands, this day of

in the year of our Lord one thousand eight hundred and "

And shall thereupon give notice in at least two newspapers printed in the city of Philadelphia, one or more newspapers printed in Norristown, and one or more newspapers printed in the borough of Reading, for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places at least two of the commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in the said books, in their own name or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of ten days, or until there shall be subscribed in the books in the city and county of Philadelphia five thousand shares, in Norristown six hundred shares, at Pottstown four hundred shares, in Reading two thousand five hundred shares, in Hamburg five hundred shares, and in Orwigsburg one thousand shares; and if at the expiration of ten days the books aforesaid shall not have the number of shares aforesaid, or any of

Books to be
opened.

them, therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the whole number of ten thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of ten thousand shares shall be subscribed in all the books, the same shall be closed: *Provided always*, That Proviso. every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the incorporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned: *Provided*, That no person shall hold stock in the Schuylkill Navigation Company, nor shall said stock be transferable to any person who is not a citizen of the United States.

SECT. II. *And be it further enacted by the authority aforesaid*, That when one hundred persons or more shall have subscribed two thousand shares or more of the said stock, the commissioners may, or when the whole number of shares aforesaid shall be subscribed, the commissioners, or a majority of them, shall certify to the governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, whereupon the governor shall by letters-patent under his hand and the greater seal of this commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into one body politic and corporate, in deed and in law, by the name, style, and title of "The President, Managers and Company, of the Schuylkill Navigation Company," and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation

When letters-patent shall issue.

The name of the company.

and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Of the organization
of the company.

SECT. III. *And be it further enacted by the authority aforesaid,* That the seven persons first named, or a majority of them, shall, as soon as conveniently may be after the said letters-patent shall be obtained, give at least twenty days notice in all the public newspapers herein before mentioned, of the time and place by them appointed, for the subscribers to meet in order to organize the said company, and to choose, by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy duly authorized, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, one president, twelve managers, a treasurer and secretary, and such other officers as shall be deemed necessary to conduct the business of the said company until the fourth Monday in the next January, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as do not contravene the constitution and laws of the United States, or of this state, and may be necessary for the well-governing the affairs of the company.

Who may
make by-laws.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday in January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be

given at least twenty days, by the secretary, in all the newspapers before mentioned, and choose by a majority of votes of those present, their officers for the ensuing year as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter, or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at any meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number. Election of officers.
Proviso.

SECT. V. *And be it further enacted by the authority aforesaid*, That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended works, and to fix their salaries and wages; to ascertain the times, manner and proportions in which the stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or in his absence by a majority of the quorum present; and generally to do all such other acts, matters and things as by this act and by their by-laws and regulations of the company they are authorized to do. Of a quorum,
and their power.
Proviso.

Certificates
of stock,

transfera-
ble.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, he paying five dollars for each share; which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all the penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

Penalty for
non-pay-
ment of in-
stalments.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if after thirty days' notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be for-

feited to the said company, and may be sold to any person or persons willing to purchase, for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid :

Provided, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting. Proviso.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That the said president, managers and company shall, in making their improvements, divide the river into two sections, the first whereof shall extend from Lancaster Schuylkill bridge to the borough of Reading, and the second from the borough of Reading to the mouth of Mill creek ; and shall commence their improvements of the first section at or near to the lower falls, in the county of Philadelphia, and at the same time shall commence their improvements of the second section, at or near to the borough of Reading, and shall proceed upward in each section with the improvements ; and it shall not be lawful for the said president, managers and company to demand, take or receive toll from any person for the passage of any boat or other craft through a lock or locks, in the first section, until a lock or locks be completed within the second section, and so to progress with similar improvements in each section, until both are finished : *Provided always*, That before the said improvements be commenced or undertaken, all the moneys arising at all times from the sale, lease or rent of the water power on either of said sections, and all moneys arising from the subscription of the stock of said company, shall from time to time, as the same may be called in, immediately after the same Division of
the river,
&c.

Proceeds
of water
rights, how
distributed.

is received, be equally divided by the said president and managers, and the one half thereof shall be paid by them, within twenty days after each division, into the Farmers' Bank of Reading, to be applied to the completing of the improvements of the said river from the borough of Reading up to the mouth of Mill creek, in the county of Schuylkill aforesaid, and to no other purpose whatever, and to be subject only to the draft or orders of such managers as may have the directions of the improvements of that section of the river, from the said borough of Reading to the mouth of Mill creek, and the other half of said moneys to be appropriated and applied to the completing of the improvements from the Lancaster Schuylkill bridge to the borough of Reading.

Company
permitted
to enter the
river, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president, managers and company, their superintendents, surveyors, engineers, artists and workmen to enter upon the said river Schuylkill, to open, enlarge or deepen the same in any part or place thereof, which shall appear to them most convenient for opening, changing, making a new or improving the channel, and also to cut, break and remove and take away all trees, rocks, stones, earth, gravel, sand or other material, or any obstruction or impediment whatsoever within the said river, or to use all such timber, rocks, stones, gravel, earth or other material, in the construction of their necessary works, and to form, make, erect and set up any dams, locks or any other device whatsoever, which they shall think most fit and convenient to make a complete slack water navigation from one end thereof to the other, so as to admit a safe and easy passage for loaded boats, arks and other vessels up as well as down said river, or by means of such collateral sluices and locks as they may devise for the purpose.

Damages
—how as-
certained.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be injured by means of any dam or dams being erected as hereinafter mentioned, or the land of any person inundated by swell-

ing of the water, in consequence of the erecting of any dam or dams, or any mill or other water works injured by swelling the water into the tail race of any mill or other water works, which may have been erected in said river, or any stream of water emptying into the same: and if the president, managers and company cannot agree with the owner or owners thereof, on the compensation to be paid for such injury, the same proceedings shall be had as is provided in the eleventh section of this act; the person valuing the damages being first sworn or affirmed, or the jury, as the case may be, shall take into consideration the advantages which may be derived to such owner or owners by the navigation aforesaid.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy for the purpose, all land which shall be necessary and suitable for erecting of a lock, sluice or canal, doing as little damage as possible, and then to dig, construct, make and erect such lock, sluice or canal, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside within the proper county where the land lies, or if they cannot agree on such persons, then either of the parties may apply to the court of common pleas of the proper county where the land lies, and said court shall award a *venire* directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such lock, canal or sluice passing through his, her or their land; which report, being confirmed by the court, judgment shall be entered thereon and execution may issue in case of non-payment for the sum awarded, with reason-

Company
permitted
to enter
upon lands,
and com-
pensate the
owners for
damages.

able costs, to be assessed by the court; and it shall be the duty of the jury, or the six appraisers, as the case may be, in valuing any land, to take into consideration the advantage derived to the owner or owners of the premises, from the said navigation passing through the same:

Proviso.

Provided, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And pro-*

Proviso.

vided also, That if any person owing land or any other property which shall be affected by this act, be feme covert, under age, non compos mentis or out of the state, then and in either of the cases, the president, managers and company shall, within one year thereafter, represent the same to a neighbouring justice of the peace, or to the court of common pleas of the county, as the case may be, who shall proceed thereon in the same manner and to the same effect as is directed by this act in similar cases.

Company
may carry
away
stones, &c.

SECT. XII. *And be it further enacted by the authority aforesaid*, That the president and managers, by and with their superintendents, engineers, artists, workmen and labourers, with their tools, instruments, carts, wagons and other carriages and beasts of draft or burden, may enter upon the land contiguous and near to the said river, giving notice to the owners or occupiers thereof, and from thence to take and carry away any stone, gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they make in the inclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away; the amount thereof, if the parties do not agree, shall be assessed and valued by any three disinterested freeholders residing in the neighbourhood, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, by any disinterested justice of the peace of the proper county, allowing an appeal to the court of common pleas, as in the eleventh section of this act.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said president and managers shall cause the guard walls, locks, gates and canal, to be erected and made at each respective situation, before the dam intended for such situation, and to which the same are to be appurtenant, shall be extended to more than one-third across the river. Extent of dams.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That whenever the said canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person or persons into two parts, so as to require a ford or bridge to cross the same, the jury who shall inquire of the damages to be sustained in manner directed by the eleventh section of this act, shall find and ascertain whether a passage across the same shall be admitted or maintained by a ford or bridge, and on such finding, the said president, managers and company shall cause a ford to be rendered practicable, or a bridge fit for the passage of carts and wagons to be built, and for ever hereafter maintained and kept in repair, at all and every places so ascertained by the said jury, at the costs and charges of the said company; but nothing herein contained shall prevent any person from erecting and keeping in repair any foot or other bridge across the said canal, at his own expense, when the same shall pass through his ground: *Provided,* the same shall be of such height above the water, as shall be usual in the bridges erected by the company: *And provided also,* That such foot or other bridges, so to be erected by the owners of such land, shall not interfere with any of the locks, buildings or other works of the company. When the canal crosses a public road, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall have the privilege, and be entitled to use the water power from the said river, sluices or canals, to propel such machinery as they may think proper to erect on the land which they may previously have purchased from the owner or owners, or may sell in fee simple, lease or rent Proviso.
Machinery may be erected, &c.

Proviso.

for one or more years the said water power, to any person or persons, to be used in such manner and on such terms as they may think proper: *Provided* it be so done that it shall not at any time impede or interrupt the navigation: and shall apply the moneys arising from the sale of the water power to the improvement of the navigation, or repairing of any damages that the dams or locks may have sustained.

Viewers to
be appoint-
ed.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company shall have perfected one lock on each section of the said river, and so from time to time as they shall perfect one additional lock on each section of the said river, they shall give notice thereof to the governor, who shall thereupon nominate and appoint three disinterested persons to view and examine that part said to be completed, and report to him in writing, under oath or affirmation, whether the said navigation is so far executed in a masterly workmanlike manner, according to the true intent and meaning of this act, and if, at any time, their report shall be in the affirmative, then the governor shall, by license under his hand, and the less seal of this commonwealth, permit the said president, managers and company, or such person or persons as they shall from time to time appoint as toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark, or other vessel passing through any lock erected on said river or canal, twelve and an half cents at each lock below the borough of Reading, and eight cents above that borough, upon each and every ton of the ascertained burden of such vessel: *Provided*, That if at the expiration of two years after the said work shall be completed, the tolls, together with the interest of the surplus of any money arising from the sale of water power or the rents and profits thereof, should enable the company, after paying all repairs and other necessary expenses, to divide more than nine per centum per annum on the capital stock expended, then and in such case the

Proviso.

tolls shall be so reduced that the dividends shall not exceed nine per cent. and shall so continue for five years; and if at the expiration of that time, they shall exceed fifteen per cent., they shall be so reduced as not to exceed fifteen per cent., and shall at that period be so regulated from time to time as not to exceed fifteen per cent. per annum; and if at any time after the expiration of two years from the completion of the said work, the net profits aforesaid shall not amount to nine per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide nine per cent.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of arks, and the tonnage of boats using and passing the said canal and lock navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner, skipper or supercargo of such boat or ark, or of the collector of the said tolls at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said arks, and the tonnage the said boat is capable of carrying, and to mark the said tonnage so ascertained, in figures upon the head and stern of the said boats, in colours mixed with oil or other durable matter, and that the said boat or vessel so measured and marked shall be permitted to pass through the said canal and locks for the price per ton to which the number of tons so marked on her shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper, or supercargo of any ark or boat shall decline choosing a person resident within two miles of the place where the said toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or ark shall be permitted to pass the place

Tonnage of
each vessel
to be mark-
ed thereon.

where such toll is made payable by the said president and managers: *Provided*, That the dams or other device shall be so constructed that at least thirty feet in width in the main channel, shall be twelve inches lower than any other part of such dam, so as to contract the water passing the river within that space, and the same shall be made with an even surface, and with a slope to extend down the river four feet for every foot the dam or dams shall be built in height: *Provided*, That the dams shall be at least fifteen feet in width, so as to admit a safe passage for wagons and other carriages over the same, and the same shall be kept in repair at the proper cost and charges of the president, managers and company, as a fording place for all persons desirous of passing over the same; and the locks directed to be made shall be at least twenty feet wide and one hundred and twenty feet long; and at all dams where there is not made a slope convenient for the passage of rafts of timber, boards and scantling as aforesaid, such rafts of timber, boards or scantling, if they do not carry some article of merchandize, shall be permitted to pass the locks free from toll.

Company
to have no
banking
powers.

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That the said company shall not have power to issue any note or notes in the nature of bank notes, to be endorsers on any note or notes in their corporate capacity, or to make discounts or receive deposits after the manner of any bank or banks, and in case the said company should, at any time hereafter, act contrary to the provisions contained in this section, their chartered privileges shall be null and void.

Masters of
boats to
give notice
of their
approach.

SECT. XIX. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the master or commander of any boat, ark or other vessel navigating the said river, when they shall arrive within one-fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice, to let the said boat, ark or other vessel

pass without unnecessary delay, and in safety; and if any boat, ark or other vessel shall be prevented from passing up or down any of the said locks or sluices, by reason of the lock not being raised, for more than thirty minutes, the president, managers and company shall, on conviction thereof before any justice of the peace of the proper county, forfeit and pay to the person so hindered the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time; and the service of any civil process upon the toll gatherer, in the proper county, and next to the place where the offence shall have been committed, shall be held as good and available in law as if served upon the president and managers of said company.

Penalty for
not raising
the sluices,
&c.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order or repair, any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur, so that boats, arks, rafts or other vessels may at all times safely navigate the said river, the president, managers and company shall, for every such offence, pay the sum of one hundred dollars, to be recovered in the same manner as debts of equal amount are by law made recoverable, before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect may occur.

Dams and
locks to be
kept in
repair.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate, canal, engine, machine or device thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the said company double the damages by them sustained, together with costs, to be recovered by action of debt

Penalty for
injuring
any of the
works.

before a justice of the peace, or in any court of competent jurisdiction.

Accounts
to be kept
and liqui-
dated.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also of all moneys by them expended in the prosecution of the said works, and shall, in every year, submit such accounts to the stockholders at their annual meeting to choose the officers of the company; and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation, or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties, as are herein before provided for the original subscription, or as shall be provided by their by-laws.

Number of
shares may
be increas-
ed.

Accounts
of collec-
tors.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all the moneys received by their several and respective collectors of tolls, in the several and respective locks, and all the moneys received for the rent or hire of the water power, and all other emoluments, and shall make and declare a dividend of the clear profits and income thereof, among all the stockholders, all contingent costs and charges being first deducted, and shall, on the first Monday in January and the first Monday in July, every year, publish the half-

yearly dividends, made of the clear profit, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly, and shall once in every year from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature, under oath or affirmation of the president of the company. Dividends.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall at any time injure, destroy or any ways impair any exclusive right, privilege or legal claim which may have been granted, and which shall be legally vested in the president, managers and company of the Schuylkill and Susquehannah navigation; the president, managers and company of the Delaware and Schuylkill canal navigation; or the Union Canal companies, by any act or acts of Assembly heretofore passed and remaining in force, but the same shall be valid and effectual as if this law had not been passed. Rights of other companies preserved.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall not proceed to carry on said work within three years from the passing of this act, and shall not complete the navigation as aforesaid in fifteen years, according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, privileges, liberties and franchises hereby granted to said company shall revert to the commonwealth: *Provided always,* That in case of forfeiture, or of resumption by the legislature, of the rights, privileges, liberties and franchises hereby granted, nothing herein contained shall be construed to work a forfeiture of the rights of individuals to water power under grants made by the president, managers and company, but the same shall be held by such individuals in the full and ample manner they might do, if no such forfeiture or resumption had taken place, and in lieu of such forfeiture or resumption, the principal sum paid or secured to be paid when the conveyance has been When the rights of said company shall revert to this commonwealth. Proviso.

in fee simple, and the accruing rents and profits when the said water power has been let for one or more years, shall be forfeited to the commonwealth: *And provided*, That in case of forfeiture by the company, the owner or owners of water powers, created by any dam erected by virtue of this act, shall be obliged to keep in perfect repair and good condition, any dam or dams, slope or slopes, lock or locks connected with such water power, under and subject to the same conditions and penalties as the company originally were, and shall have a right to charge and receive the like tolls as the said company are authorized to receive by this act, and in case the owner or owners of such water power shall neglect or refuse to keep such dam or dams, slope or slopes, lock or locks as aforesaid, in good order and repair, fit for the passage of boats, arks and rafts, as the case may be, the legislature may resume all the rights, privileges, liberties and franchises granted by this act.

Proviso.

Individuals
to keep
dams in
repair.

Forfeiture
of rights.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That if the said corporation 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.

JACOB HOLGATE, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighth day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

A SUPPLEMENT

To the Act, entitled "An Act to authorize the Governor to incorporate a Company to make a Lock Navigation in the River Schuylkill."

SECT. I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Asseembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president, managers and company of the Schuylkill Navigation Company to commence and carry on from time to time their improvements of the navigation of each section of the river Schuylkill, at such places as in their opinion first require such improvement, any thing in the act to which this is a supplement to the contrary notwithstanding: *Provided,* That nothing herein contained shall be construed to authorize the said president, managers and company to divert the moiety of moneys, intended by the act to which this is a supplement, for the improvement of one section to the improvement of the other, or to any other purpose whatsoever: *And provided also,* That as soon as any improvement is commenced on the lower section, an improvement shall be commenced and carried on on the upper section, and so on until the whole work be completed.

Improvements in each section, how to be made.

SECT. II. *And be it further enacted by the authority aforesaid,* That if, with the moneys appropriated to the improvement of the two sections of the said river, more locks should be erected on one section than on the other, it shall and may be lawful for the commissioners appointed by the governor to view all such locks, and if approved by them, it shall and may be lawful for the governor, by license under his hand and the less seal of the state, to authorise the said president, managers and company to receive legal tolls at such locks.

If more locks in one section than another, to be licensed.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said

Size of
locks, &c.

president, managers and company to erect their locks any number of feet in length not less than eighty, and in width not less than seventeen, the act to which this is a supplement to the contrary notwithstanding; and that so much of the act to which this is a supplement, as requires the said president, managers and company to make roads upon the dams, be, and the same is hereby repealed: *Provided*, That nothing in this act contained shall be so construed as in any way to exonerate the president managers and company of the Schuylkill Navigation Company from making and completing the slopes in the dams, agreeably to the provisions contained in the seventeenth section of the act to which this is a supplement.

Money to
be paid on
each sec-
tion by pre-
sident and
managers.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the improvements to be made in the navigation of the upper section of the said river, shall be carried on under the direction of the said president, managers and company, and the moneys appropriated for the improvement of that section of the river shall be paid out in the same manner as the moneys intended for the improvement of the lower section of the said river, any thing in the act to which this is a supplement to the contrary notwithstanding.

REES HILL, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighth of February, one thousand eight hundred and sixteen.

SIMON SNYDER.

EXTRACTS

From the Act making Appropriations for certain Internal Improvements.

SECT. II. *And be it further enacted by the authority aforesaid*, That the governor be, and he is hereby authorized and required to subscribe one thousand shares in the

stock of the Schuylkill Navigation Company, to be paid on warrants drawn by the governor on the treasury, in favour of the president and managers of said company, in the following manner: viz. one-fourth part thereof, when the several instalments amounting to fifty per cent. shall be payable by the individual stockholders, one-fourth when another instalment of twenty per cent. shall become due and payable from the stockholders, one-fourth part when another instalment shall become due and payable from the stockholders, and the remaining fourth when the last instalment shall become due and payable from the stockholders; and it shall be the duty of the said president and managers from time to time to notify the governor of the instalments by them called for from the stockholders, upon which notifications, warrants shall be drawn as is herein before directed.

1000 shares
to be sub-
scribed to
Schuylkill
Navigation
Company.

How paid.

SECT. XLVI. *And be it further enacted by the authority aforesaid,* That the president and managers of the several companies to which subscriptions are directed to be made by virtue of this act, shall not on any occasion, or under any pretext whatever, receive for their services, out of the funds of the respective companies, more than two dollars for every day during which they are necessarily occupied in the duties of their offices respectively; and if it shall appear to the governor that the president or any of the managers of any of the said companies shall, from and after the first day of May next, have received out of the funds of such company more than the said sum of two dollars as aforesaid, he is hereby directed to withhold from such company all sums which may be due by virtue of this act, and make report thereof to the legislature at its next session; and the president and managers of each of the said companies respectively, shall annually in the month of December, transmit to the auditor general a detailed statement of the affairs of the company, showing the progress of the work, and the debts, credits and expenses of the company, which shall be submitted by the auditor general to the legislature then in session.

Compensa-
tion to pre-
sident and
managers.

Money to
be with-
held, in
certain
cases.

President,
&c. to exhib-
it annual-
ly to audit-
or general a
statement
of their ac-
counts, &c.

APPROVED—*March 24th, 1817.*

A FURTHER SUPPLEMENT

To an Act entitled "An act to authorize the Governor to incorporate a Company to make a Lock Navigation on the River Schuylkill."

SECT. I. *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*

The party applying for a venire, to give 20 days' notice to the other party.

authority of the same, That in all cases where application shall be made to the court, pursuant to the direction of the eleventh section of the act to which this is a supplement, for a venire to summon a jury, to ascertained and report to the said court the damages mentioned in the tenth and

In case of an appeal, president to make oath that he apprehends injustice may be done.

eleventh sections of the said act, the party so applying shall give twenty days notice in writing to the other party, of such application; and in case an appeal be entered in the prothonotary's office of the county where the land lies, pursuant to the provisions of the said eleventh section, and the president of the company incorporated by the said act shall make oath or affirmation before any judge, justice of the peace, or alderman within this commonwealth, that he apprehends that injustice may be done by a jury to be summoned from the county where the land

Certificate thereof to be filed in the prothonotary's office.

lies, and shall file a certificate thereof in the office of the prothonotary of such county, at any time before the expiration of the thirty days allowed for entering said appeal, or within twenty days after the entry of an appeal by the opposite party, and in all cases of appeals now depending or hereafter to depend for trial, pursuant to the

Court to require the sheriff of an adjoining county to make out a list of 36 disinterested persons of his bailiwick.

act to which this is a supplement, upon such oath or affirmation being made and filed as aforesaid at any time before such trial shall be actually had, then and in such cases, the said court shall make an order directed to the sheriff of an adjoining county not bordering on the river Schuylkill, requiring him within thirty days after the date thereof, to make out a list of thirty-six disinterested

inhabitants of his bailiwick, and transmit such list to the prothonotary of said court, and the said parties or their attorneys shall attend at the office of the prothonotary of said court at ten o'clock in the forenoon of the second Monday after the expiration of the said thirty days, or at such other time as the said parties or their attorneys shall agree upon, and then and there alternately strike off the names from such list until the number shall be reduced to twelve; and in case either of the said parties or their attorneys shall not appear as aforesaid, in such case the prothonotary shall strike off names for such absent party; whereupon a venire shall be made out containing the names of the twelve persons so remaining on said list, and directed to the sheriff of the county where they reside, commanding him to summon the said persons to go upon the premises where the injury is alleged to be done, and having viewed the same, to be and appear at the next court of common pleas of the county in which the premises are situated, for the trial of the appeal; and each juror residing in such adjacent counties shall be allowed one dollar and fifty cents per day for viewing such premises, and one dollar and fifty cents a day for his attendance at court, together with ten cents for each mile he shall necessarily travel in going to and returning from the said view or court, which daily pay and mileage shall be paid to the said jurors out of the treasury of the county in which such trial shall be had, and the same shall be reimbursed to such county by the unsuccessful party; and if any of the said jurors should make default at the said court, in such case the court may direct the vacancy to be supplied by one or more talesmen as in other cases, and the trial of such appeal shall have a precedence of all causes on the trial list at any time called for by either party: *Provided*, That it may be lawful for the parties to appoint six suitable and judicious persons, without regard to their place of residence, if they can agree upon such persons, who shall proceed in the manner directed in the said eleventh section.

12 to be
summoned
by the she-
riff to view
the premi-
ses.

Their com-
pensation.

How paid.

If jurors
make de-
fault, how
vacancy is
to be sup-
plied.

Proviso.

Part of original Act repealed.

When authorised to declare a dividend.

Proviso.

2d proviso.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as relates to dividends of tolls and income, be, and the same is hereby repealed. And it shall be lawful for said company henceforward, after paying all repairs and other necessary expenses, to declare a dividend not exceeding twenty-five per cent. per annum on the capital stock of said company, and the tolls shall be so regulated from time to time, that the dividends shall not exceed twenty-five per cent. per annum on the said capital stock; and the said company shall so reduce their toll, that at no time hereafter shall there be demanded more than one-half of the tolls, which they are by the act to which this is supplementary authorized to demand: *Provided,* That nothing in this act, or the act to which this is a supplement, shall be deemed to authorize the said company to purchase any lands containing coal, for the purpose of entering into the coal trade, or to engage directly or indirectly in the transportation of merchandize, lumber, coal, grain, flour or any other article, or to create any monopoly of such trade or transportation; and the second and fifteenth sections of the act to which this is a supplement shall be construed to confine the said company within the express provisions thereof: *And provided,* That this act shall not take effect until at a general or adjourned meeting of the stockholders called for the purpose, they shall accede to all the provisions of this act, and shall cause a notice under the corporate seal of said company of such acceptance to be filed in the office of the secretary of the commonwealth, to be obligatory upon them at all times.

JOHN GILMORE, *Speaker*
of the House of Representatives.
WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—February the first, one thousand eight hundred and twenty-one.

JOSEPH HEISTER.

AN ACT

Supplementary to the Act, entitled "A further supplement to the several acts to incorporate the Union Canal Company of Pennsylvania."

Whereas it appears that the works of the Union Canal Company of Pennsylvania cannot be connected with those of the Schuylkill Navigation Company in any manner so well as by the construction of a dam across that part of the river Schuylkill, near the borough of Reading, which is not occupied by the works of the said Navigation Company, and by continuing a canal therefrom to a suitable point below the said borough, and near to Mifflin's or Getz's Island: And whereas, it is doubtful whether the said Union Canal Company have authority, under existing laws, to construct a dam across the river Schuylkill aforesaid:

Therefore,

SECT. I. *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 it shall and may be lawful for the Union Canal Company of Pennsylvania to construct a dam across the river Schuylkill, in such situation as may be found most proper, within the borough of Reading, at or near Heister's mill, and to continue their works so as to unite with those of the Schuylkill Navigation Company, at or near to Mifflin's or Getz's Island, in conformity with the agreement between the said two companies, dated the twelfth day of January one thousand eight hundred and twenty-six.

A dam to
be built at
Reading.

APPROVED—February 20th, 1826.

AN ACT

To protect the public in the full benefit and enjoyment of the works constructed for the purposes of Inland Navigation.

SECT. I. *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 every person who shall wilfully lead or drive any horse, ox, ass, mule, sheep, swine, or other cattle, upon the towing path or berm bank of any canal or pool forming part of an artificial navigation constructed under the laws of the commonwealth of Pennsylvania, except for the purpose of towing boats, craft, or other floating things, upon the waters of such artificial navigation, or for the purpose of conveying articles to and from the margins of such canals or pools, to be transported thereon or delivered at their place of destination, shall forfeit and pay for such offence any fine not exceeding the sum of ten dollars, and pay all damages consequent upon such offence, over and above the said forfeiture; and in case of default in the immediate payment of such forfeiture after conviction, such person shall be sentenced to imprisonment in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the discretion and upon the warrant of the Court before whom such conviction shall be had: *Provided*, That this section shall have no effect unless the company prosecuting shall have complied with the provisions of its charter, in constructing passable bridges or fordings for the accommodation of the public, and those concerned.

SECT. II. *And be it further enacted by the authority aforesaid*, That for the speedy reparation of any injury to any of the canals, dams, or the works connected therewith, forming part of an artificial navigation as aforesaid, whenever and as often as such case shall happen, it shall be lawful for any engineer, superintendent, gate keeper,

No horse
or other
animal to be
driven on
the berm
bank or
towing
path of any
canal or
pool.

Fine, not
exceeding
10 dollars,

or impris-
onment for
30 days.

Proviso.

Company
authorized
to take ma-
terials for
repairs.

or other agent, employed upon the said canals and navigation, with carts, wagons, or other carriages, with beasts of draft or burthen, and all necessary tools and implements, to enter upon any lands contiguous to the said canals, pools, dams, or the works connected therewith, and to dig for, get, and carry away and use, all such stone, gravel, clay, and other materials, as may be necessary and proper in their opinion for such reparation, doing as little damage thereby as the nature of the case will permit, and making amends for the damages that may be done thereon, and paying for the materials taken away, the amount whereof, if the parties cannot agree, shall be assessed, valued, and recovered in the manner provided by the act constituting the company, or authorizing the construction of such artificial navigation, by which the said materials as aforesaid may be removed or taken away, for the purpose of constructing such works.

Damages,
how to be
assessed.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any boat, craft, or floating thing, shall be so moored or placed in any canal or pool forming part of an artificial navigation as aforesaid, as to obstruct the free use of such canal or pool, or if any person or persons shall obstruct or prevent the use thereof, by means of the loading, unloading, misplacing, or otherwise misconducting any such boat, craft, or other floating thing, and shall not forthwith, upon being requested thereto by any engineer, superintendent, gate-keeper, or other agent, employed upon the said canals and navigation, or by any person incommoded by such obstruction, remove the same, the person who may cause such obstruction shall forfeit for every such offence any sum not exceeding twenty dollars, over and above the expense of removing such obstructions.

No boat or
floating
thing to be
placed so
as to ob-
struct the
navigation.

Fine of 20
dollars, and
expense of
removing
the ob-
struction.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully obstruct the navigation of any of the said canals or pools, by throwing into the same, or sinking to the bottom thereof, any vessel, timber, stone, earth, or other thing, or by placing any thing whatever upon any of the towing paths or berm

Fine of 50
dollars, or
imprison-
ment, for
sinking
any vessel
of stone,
&c., or
placing

any ob-
struction
on the
berm banks
or towing
paths.

Imprison-
ment for 3
years for
wilful in-
jury.

banks, such person shall forfeit for every such offence any sum not exceeding fifty dollars; and in case such forfeiture shall not be paid forthwith, shall be imprisoned as is directed in the first section of this act.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and maliciously break, throw down, or destroy, the whole or any part of any lock, bank, waste-wier, dam, aqueduct, culvert, bridge, feeder, guard-wall, towing-path, or berm bank, belonging to any artificial navigation constructed as aforesaid, or stop up or obstruct any such feeder, waste wier, aqueduct, or culvert, such person or persons shall for every such offence pay all the damages arising from such breaking, throwing down, stopping, or destroying; and on conviction thereof before the court of quarter sessions, or any court of oyer and terminer, of the proper county, shall be sentenced to imprisonment at hard labour, for any term not exceeding three years, in the jail of the proper county, at the discretion of the court before whom the conviction may be had.

Fine of 100
dollars, or
3 months
imprison-
ment, for
opening
gates, or
driving
nails, &c.,
therein.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any person shall wantonly open or shut, or cause to be opened or shut, any lock or safety gate, or any wicket, paddle, or culvert gate, or any waste feeder or sluice gate, or drive any nails, spikes, pins, or wedges, into any such gate or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down, or destroy, any fence, wall, or timber work, on any of the said canals or pools, feeders, or other parts of any artificial navigation constructed as aforesaid, such person or persons shall for every offence forfeit any sum not exceeding one hundred dollars, and be imprisoned in the jail of the county where such offence may be committed, upon the warrant of the court before whom a conviction shall be had, for a term not exceeding three calendar months.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in all cases when any boat, craft, or other

floating thing, in passing upon any artificial navigation constructed as aforesaid, shall meet with any other boat, craft, or floating thing, it shall be the duty of the boatmen or other persons having charge of each of the said boats, craft, or floating thing, to turn out to the right hand so far as to give to each other a free passage; and in all cases when any boat, craft, or floating thing, shall approach any place, upon any such artificial navigation as before mentioned, which shall be less than thirty feet wide at the top water line, or which shall not permit their passing, it shall be the duty of the boatman or other person having charge of the ascending boat, craft, or other floating thing, to wait at such distance from such narrow place as may be most convenient to permit the descending boat, craft, or other floating thing to pass through such narrow place, until such passage is effected; and every person violating any of the provisions of this section, shall forfeit for each offence any sum not exceeding twenty dollars.

Boats passing opposite ways to take the right.

Ascending boats to stop, in case passage is too narrow.

Fine, not exceeding 20 dollars.

SECT. VIII. *And be it further enacted by the authority aforesaid*, that no boat craft or other floating thing shall move upon any canal forming part of an artificial navigation constructed as aforesaid, faster than at the rate of four miles per hour, unless by express permission of the directors, managers or commissioners of such navigation, to be contained either in a written license or in a general printed regulation duly made and published by such directors, managers, or commissioners; and in all cases, when one boat or other floating thing, moving upon any artificial navigation constructed as aforesaid, shall overtake any other boat or floating thing, moving at a rate or speed slower than that of the boat or floating thing so overtaken, it shall be the duty of the boatman or person having charge of the slower boat or thing to give every practicable facility to enable the overtaking boat or other thing to pass, and for that purpose to make room for the passage between such slower boat or thing and the towing path, and if necessary to stop until the passage shall

No boat to go faster than four miles an hour on a canal.

Slow boats to give the tow path side to faster boats.

Fine, not exceeding 20 dollars.

No building, wharf or other device for taking water, to be placed without permission in writing.

Forfeiture, not exceeding 1000 dols. and expense of removal.

Agent or toll-keeper, to deliver up books, house, &c. within 7 days after discharge.

be fully effected; and every boatman or other person who shall offend against any part of this section, shall forfeit for every such offence any sum not exceeding twenty dollars.

SECT. IX. *And be it further enacted by the authority aforesaid,* That no person shall construct any building, wharf, basin or watering place, or make and apply any device whatsoever, for the purpose of taking water from any canal or feeders, reservoir, dam or pool, belonging to or forming part of any artificial navigation constructed as aforesaid, without first obtaining permission therefor from the directors, managers or commissioners of such navigation, in writing; and if any person shall offend against this section, by commencing or making any such construction, or apply such device, without such permission, or shall not conform to the direction of such directors, managers, or commissioners, in respect to the location and size of such building, wharf, basin, watering place, or device, as aforesaid, such person shall for every such offence forfeit a sum not exceeding one thousand dollars, and the directors, managers or commissioners aforesaid, their agents or servants, shall be authorized, at the expense of the person thus attempting, to remove and destroy every such building, wharf, basin, watering place, or device, as aforesaid.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any agent, toll collector, lock keeper, superintendent, or other person, employed upon any part of an artificial navigation constructed as aforesaid, and occupying any house, office, building, or land, belonging thereto, shall be discharged from his employment by the managers thereof, or any one duly authorized by them, and shall not deliver up the possession of such house, office, building, or lands, together with all the books, papers, and other matters and things belonging to such artificial navigation, within seven days next after such discharge shall be given to him, or left at such house, office, or building; or if the wife or family of any such

agent, toll collector, lock keeper, superintendent, or other person, who shall die in either of the said employments, shall refuse to deliver up the possession of such house, office, building, lands, or appurtenances, together with the books, papers, and other matters and things, belonging to any navigation aforesaid, in his, her or their custody, possession or power, within three months after another person shall have been appointed in the place or stead of the person so dying, then and in either of those cases, it shall be lawful for any justice of the peace of the county where such house, office, building, or lands, are situate, and he hereby is required on affidavit being made before him, setting forth particularly the grievance complained of, and the property retained, by warrant, under his hand and seal, to order any constable or other peace officer, with such assistants as may be necessary, to enter such house, office, building, or upon such land, in the day time, and remove the persons who shall be found therein, together with the goods and chattels, out of such house, office or building, and from off such land, and take possession of all the books, papers, matters and things, enumerated in such warrant, belonging to the said navigation, and to deliver possession of the same to the new appointed agent, toll collector, lock keeper, superintendent, or other person employed to receive the same.

In case of death, the family to give possession of house and papers within 3 months.

Upon affidavit, the party to be removed by a warrant from any justice of the peace, and possession taken of the goods and chattels of the company.

SECT. XI. *And be it further enacted by the authority aforesaid,* That no boat or vessel of any description shall be permitted to pass through any lock upon any of the said canals or artificial navigation aforesaid, unless such boat have painted, in letters not less than two inches in length, near the head or stern thereof, and above the water when full laden, the name of such boat or vessel, and the place where the same is owned; and every person who shall attempt to pass any boat or vessel through any lock, or shall introduce any boat or vessel not named as aforesaid into any of the said canals, in violation of this section, after the first day of January, one thousand eight hundred

No boat or vessel to pass any lock, unless the name be painted on the head or stern, in letters at least 2 inches long.

Penalty,
not exceed-
ing 5 dol-
lars.

No pole or
shaft to be
used point-
ed with
iron.

Penalty,
not ex-
ceeding 5
dollars.

and twenty-eight, shall forfeit for every such offence any sum not exceeding five dollars.

SECT. XII. *And be it further enacted by the authority aforesaid,* That no person navigating any of the said canals or locks shall be permitted to use therein any setting pole or shaft pointed with iron or other metal; and if any person shall offend against this section, he shall for every such offence forfeit any sum not exceeding five dollars.

Property
left on the
banks or in
the canal,
to be seiz-
ed and sold
at auction.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the directors managers or commissioners of any such artificial navigation aforesaid, their engineers, superintendents, officers or agents, to seize any property which shall be found upon the banks or in the waters of any canal forming part of such navigation, or in the channels of any pool, or on the towing path thereof, which is apparently abandoned by the owner, and after due and public notice, to sell the same at auction, and pay the money received therefor, after deducting the expenses of seizure and sale, to the owner of the property seized, if the money shall be claimed within one year, but if not, to the supervisors of the highways of the townships where the seizures shall be made.

Boats, &c.
to be moor-
ed at both
ends on the
side op-
posite the
tow path.

Penalty 20
dollars, and
expenses.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That all boats, craft, and floating things left at wharves or other places in the line of any of the said canals or artificial navigation, shall be moored at both ends on the side opposite to the tow paths; and any boatman or other person offending herein, shall forfeit and pay any sum not exceeding twenty dollars; and any officer or agent having charge of any part of such canals or navigation, shall be and hereby is authorized to remove any boat, craft, or other floating thing, otherwise moored than is herein directed, at the expense and risk of the owner thereof.

SECT. XV. *And be it further enacted by the authority aforesaid*, That all penalties and forfeitures created by this act, the recovery of which is not herein otherwise specially provided for, may be sued for and recovered, with costs, before any justice of the peace in any county where such penalty or forfeiture may accrue, and where the penalty does not exceed one hundred dollars, in the name of the corporation owning the canal, or in the name of any other artificial navigation upon which the offence may be committed, and any engineer, superintendent, or collector of tolls, duly appointed by the managers of such corporation, who are hereby authorized to sue for and recover the same, or by summary conviction before such justice of the peace; who shall have power, in all cases where by this act the penalties and forfeitures are made discretionary, to fix the amount thereof; and the amount of such penalties and forfeitures, when recovered, shall be paid over to the supervisors of the highways of the townships wherein the same shall be incurred; but nothing herein shall be deemed or taken to render any such supervisor, or any inhabitant of the said township, incompetent from interest to be a witness, without regard to any appropriation of penalties or forfeitures made in any part of this act: *Provided*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal by petition to the next court of quarter sessions, who shall take such order thereon as to them shall appear just and reasonable; and the same shall be conclusive: *And provided further*, That in all cases where the corporation owning the canal or other artificial navigation are adjudged to pay costs, the same may be collected by attachment against all or any of the officers of the said company.

Penalties to be recovered before a justice, under 100 dollars.

Penalty to be paid to supervisors of the highways.

Appeal to Quarter Sessions.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That any master of a boat, or any of his crew, any agent of a boat, rider of a horse or other animal, connected therewith, any passenger therein, or any other

Penalties provided in the first section of the Act upon all

persons
who shall
injure any
fence, wall,
&c. or pur-
loin the
same, or
trespass
on property
adjoining
the towing
path.

individual, on foot or otherwise, using said towing path, who shall purloin, break, or injure, any fence or wall that shall have been erected along the said towing path, or if no fence or wall be placed there, shall trespass on the property adjoining said towing path, or in any wise injure, occupy, walk, or ride over the same, he or she so offending shall be liable to the penalties provided in the first section of this act.

JOSEPH RITNER, *Speaker*
of the House of Representatives.

ALEXANDER MAHON,
Speaker of the Senate.

APPROVED—the tenth day of April, one thousand eight hundred and twenty-six.

J. ANDREW SHULZE.

Extract from an Act, entitled an "Act authorizing the Governor to incorporate the Schuylkill Valley Navigation Company, and for other purposes," passed 20th of March, 1827.

Whereas, it has been found by experience, that the locks erected by the Schuylkill Navigation Company are of an injurious width, by occasioning a great loss of time and water, and it is believed that it would facilitate the trade and transportation if the company were authorised to contract the width of any of their locks now erected or hereafter to be erected.

The
Schuylkill
Navigation
Company
may reduce
the width
of their
locks to
13 feet 6
inches.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the president, managers, and company of the Schuylkill Navigation Company, in all cases where they may hereafter erect or repair any lock or locks, on the line of their improvements, to make them of such width as they may judge expedient, not less than thirteen feet and an half,

any thing in the act authorizing their said improvement, or any of the supplements thereto, to the contrary notwithstanding.

A further Supplement to an Act, entitled an "Act to authorize the Governor to incorporate a Company to make a Lock Navigation on the River Schuylkill."

SECT. I. *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 remedies provided by the tenth, eleventh, and twelfth sections of the act to which this is a supplement, be, and the same are hereby extended to cases in which the owner or owners of land or property, affected by said act, have died, or may die before compensation is recovered for injuries done to said land or property; and it shall and may be lawful for the executor or executors, administrator or administrators, of such owner, so dying as aforesaid, to institute and carry on proceedings for the recovery of such compensation, in the same manner as their testator or intestates might or could have done, had they continued in full life.

Provisions
of original
Act for re-
covering
damages
extended to
executors
and admin-
istrators of
deceased
owners.

Passed April 9, 1827.

A FURTHER SUPPLEMENT

To an act entitled "An Act to authorize the Governor to incorporate a Company to make a Lock Navigation on the River Schuylkill."

Time for
completing
the works
extended
for fifteen
years from
March 8th,
1830.

SECT. I. *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 to enable the president, managers and company of the Schuylkill Navigation Company to improve, strengthen, enlarge or alter their works, to add thereto, or to make such additional or other locks, sluices, canals, dams, pools, tow-paths, or other devices whatever as may seem to them necessary or expedient for rendering the navigation as beneficial as possible, all and singular the powers, rights and privileges given to the said president, managers and company of the Schuylkill Navigation Company by the act entitled "An Act to authorize the Governor to incorporate a company to make a Lock Navigation on the river Schuylkill," or by any supplement to the said act, or by any other act or acts, if any there be, which may be deemed, construed or taken to expire or be determined on or after the eighth day of March, in the year of our Lord eighteen hundred and thirty, be, and the same hereby are declared to be continued and extended for a period of fifteen years, to commence and be computed from the said eighth day of March, in the year of our Lord eighteen hundred and thirty, to be held, enjoyed and exercised by the president, managers and company of the Schuylkill Navigation Company during the said period of fifteen years, in like manner and under the same liabilities and regulations in all respects as they heretofore have been, or might have been held, enjoyed

and exercised, or as if the said period had originally been thirty years; any thing in the said act, entitled as aforesaid, or in any other act or acts to the contrary notwithstanding. *Provided*, that this act shall not be so construed as in any way to affect the rights, interests and privileges now vested in the Union Canal Company of Pennsylvania.

SECT. II. *And be it further enacted by the authority aforesaid*, That all and singular the provisions contained in the said recited act, or in any supplement or supplements thereto, or in any other act or acts relating to compensation for damages claimed from the said company, which are now in force, be, and the same hereby are continued and applied to work which may be done, or powers exercised under this act.

Provisions in former acts relating to compensation for damages continued and extended to work to be done under this act.

SECT. III. *And be it further enacted by the authority aforesaid*, That the half-yearly dividends of the president, managers and company of the Schuylkill Navigation Company shall be published on the first Monday in February and the first Monday in August of every year, any thing in any act or acts to the contrary notwithstanding.

Half-yearly dividends to be published the first Monday in February and the first Monday in August.

APPROVED 14th of December, 1829.

A SUPPLEMENT

To the Act entitled "An Act to protect the Public in the full benefit and enjoyment of the works constructed for the purposes of Inland Navigation."

SECT. I. *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 for the purpose of ascertaining the weights of boats and their cargoes, navigating any canal or artificial navigation of any company incorporated by the laws of this commonwealth, upon

Boats to be weighed in weigh-locks, where such locks are erected.

Allowance to be made for addition or diminution of cargo.

which tolls are by law chargeable, every such boat shall be required to enter a weigh-lock, or such other device as may be convenient, for the purpose to be weighed, (if any such weigh-lock, or other device shall be constructed at or near the place of her departure,) and shall not be entitled to a permit, nor be allowed to depart until she shall have so been weighed; and if there be no such weigh-lock at the place of her departure, she shall be required to enter the first weigh-lock she may come to in the course of her passage; and, in case of refusal or neglect to do so, shall not be allowed to proceed further; and in such weigh-locks they shall be weighed, and the weights of their cargoes ascertained, for the purpose of fixing the tolls to be charged thereon, which shall be specified in their permits or certificates accordingly; and every such boat shall, also, upon arriving near to its place of destination, and before passing the last lock, if so required, and there be a weigh-lock or other device, as aforesaid, at or near to the same, enter such weight-lock or other device, and be weighed, for the purpose of ascertaining whether the cargo has been increased: and if it shall appear to have been increased, toll shall be charged upon the excess for the whole distance, (or for the additional number of locks, or the amount of lockage said boat shall have passed through or overcome, as tolls are respectively chargeable,) the boats shall have been navigated, in like manner as if the whole cargo had been on board from the beginning, and shall not be allowed to pass further until such toll be paid: *Provided*, That if the master or owner of a boat taking in any additional cargo, or having unloaded any part thereof, shall, at the first lock at which he shall arrive after such addition or diminution, give to the lock-keeper an account thereof, the same shall be certified by the lock-keeper; and if, upon arriving at a weigh-lock, the same account so certified shall be found to be correct, then the toll charged or deducted upon such addition or diminution shall only be for the number of

locks it shall have passed through, or may pass through, to its place of destination.

SECT. II. *And be it further enacted by the authority aforesaid,* That in case of dispute or disagreement between any owner or master of a boat and the keeper of a weigh-lock, about the accuracy of the adjustment of a weigh-lock, or the accuracy of the result of the weighing, such dispute or disagreement shall be referred to two citizens residing in the neighbourhood, one to be chosen by each party, with power, if they cannot agree, to choose a third, who shall proceed forthwith to make the necessary examination, and the report of any two of them shall be final and conclusive as to the weight of the cargo, which shall thereupon be certified accordingly by the lock-keeper.

Disputes about the accuracy of the weigh-locks to be referred to two citizens of the neighbourhood.

SECT. III. *And be it further enacted by the authority aforesaid,* That all and every boat navigating upon any canal, pool, or other artificial navigation of any company incorporated as aforesaid, shall have a guard, or plate of iron attached to the keel, and extending under the rudder, in such manner and to such distance, as to cover the opening between the stern post and rudder, and effectually prevent the line of any other boat from entering the same opening; and every master or owner of a boat navigated as aforesaid without such guard, shall, for each and every offence, forfeit and pay the sum of twenty dollars; and, moreover, shall be liable for all damages occasioned by the want thereof.

Boats to have iron guards extending under the rudder, under a penalty of twenty dollars.

SECT. IV. *And be it further enacted by the authority aforesaid,* That every boat, craft or other floating thing navigated upon any canal, pool or other artificial navigation of any company incorporated as aforesaid, at night shall carry a conspicuous light in the bow thereof, and every master or owner of a boat or other floating thing, so navigated at night without a light in the bow, shall forfeit and pay the sum of five dollars for each and every offence, and shall moreover be liable for all damages occasioned by the want thereof.

A light to be placed at night on the bows of boats, five dollars penalty for neglect.

No boat to lie by with in twenty rods of a lock under a penalty of five dollars,

SECT. V. *And be it further enacted by the authority aforesaid,* That no boat, craft or other floating thing shall unnecessarily stop, lie by or be moored within twenty rods of any lock, except in a basin, and every master or owner of any boat or other floating thing, who shall violate this regulation, shall forfeit and pay the sum of five dollars.

also for any unreasonable delay in leaving a lock.

SECT. VI. *And be it further enacted by the authority aforesaid,* That every master or person having charge of any boat, craft or other floating thing, who shall be guilty of any unreasonable or unnecessary delay in entering or leaving a lock, shall for each and every offence forfeit and pay the sum of five dollars.

Owners of boats in case of a breach, &c. in canal, &c. to comply with the directions of superintendent, penalty five dollars.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in case of breach or other obstruction in any canal or other artificial navigation of any company incorporated as aforesaid, the superintendent or other person having charge of the work at the time, shall direct the boats and other floating things which may be collected near such breach or other obstruction, to lie in such places, and to be moved backward or forward as he may think fit or proper, and every owner, master or other person having charge of a boat or other floating thing, who shall refuse or neglect promptly to comply with his directions, shall for each and every offence, forfeit and pay the sum of five dollars.

Permits to be exhibited at each lock, and to be surrendered at the last lock, penalty ten dollars.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the owner, master or navigator of each and every boat or other floating thing navigating upon a canal, pool or other artificial navigation of any company incorporated as aforesaid, shall be and hereby is required to exhibit his permit at each and every weigh-lock or other lock, and at every collector's office, and to surrender the same at the last lock the said boat or other floating thing may arrive at before reaching the place it is permitted to proceed to, and every person who shall refuse or neglect to exhibit and to surrender the permit

as aforesaid, shall for each and every offence forfeit and pay the sum of ten dollars.

SECT. IX. *And be it further enacted by the authority aforesaid,* That every boat or other floating thing which shall arrive at any lock, and which shall not improve the first opportunity of passing the same, shall lose its preference.

SECT. X. *And be it further enacted by the authority aforesaid,* That no setting pole or shaft, pointed with iron or other metal, shall be used or carried upon any canal feeder or lock as aforesaid, and the master or owner of any boat, or person employed in navigating the same, violating this regulation, shall, for every such offence, forfeit any sum not exceeding five dollars, and the lock keepers and other superintendents or agents, having charge of any canal or part thereof, or lock as aforesaid, are hereby authorized and empowered to seize any setting pole or shaft, shod with iron or other metal, used or carried contrary to the provisions of this section.

No setting pole to be used, five dollars penalty, and pole may be seized.

SECT. XI. *And be it further enacted by the authority aforesaid,* That so much of any act of assembly, as is hereby altered and supplied, be, and the same is hereby repealed.

Repealing clause.

SECT. XII. *And be it further enacted by the authority aforesaid,* That all fines, penalties and forfeitures herein provided, imposed or given, shall be recovered and appropriated as is provided by the act to which this is a supplement.

Fines, &c. how appropriated.

FREDERICK SMITH, *Speaker*
of the House of Representatives.

DANIEL STURGEON,

Speaker of the Senate.

APPROVED—the nineteenth day of March, Anno Domini,
one thousand eight hundred and thirty.

GEORGE WOLF.

AN ACT

*Authorizing the Governor to incorporate the Bald Eagle
and Spring Creek Navigation Company.*

SECT. 25. The president and managers of this and the several canal and navigation companies incorporated by Acts of Assembly, are hereby authorized to adopt any and all the rules and regulations, with the penalties attached, for the preservation of their works and the regulation of boats and crafts passing or navigating the same, respectively, that are now, and may be in force and established by the board of canal commissioners for the state canals. *Provided*, that sixty days notice of the adoption of any such rule or regulation shall be given by hand-bill, posted on the doors of the several offices and lock-houses, along the line of such canal.

Approved, 14th April, 1834.

