

CHAPTER CXXXVI.

An ACT to incorporate the union canal company of Pennsylvania.

WHEREAS the opening a communication by water for the transportation of the produce of the country, and of goods, wares and merchandizes, between the city of Philadelphia and the western and northwestern counties of the state of Pennsylvania, will greatly tend to strengthen the bonds of the union between citizens inhabiting distant parts of a country governed by the same free and happy constitution, and laws to the encouragement of agriculture and manufactures, and the promotion of commerce; *And whereas*, the endeavours of the companies heretofore incorporated for the purpose of opening a communication by means of canals between the rivers Delaware and Susquehanna, have from various causes proved unsuccessful; and it is the interest of this commonwealth to promote an object so important; *And whereas* it appears from certain articles of association now before this legislature agreed to and subscribed by a number of the stockholders of the Schuylkill and Susquehanna navigation, and of the Delaware and Schuylkill canal navigation, that they have formed a joint stock and interest under the title of "The union canal company of Pennsylvania;" 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 all acts and supplements heretofore passed in favour of the Schuylkill and Susquehanna navigation, and also of the Delaware and Schuylkill canal navigation, be and they are hereby repealed; and that the corporate title of the present managers and company of "the Schuylkill and Susquehanna navigation;" and of the Delaware and Schuylkill canal navigation; shall henceforth cease and be abolished; and that the corporate style and title of the said corporation, shall from and after the passing of this act, be "The union canal company of Pennsylvania;" under which name the said corporation shall have, hold, and enjoy all estates, grants, rights, interests, and privieges heretofore held and enjoyed by them under their former respective titles; and all suits heretofore brought or proceedings in court or elsewhere depending by or against the said corporations, shall, notwithstanding the said change of titles, be held and considered in full force and effect; and such proceedings shall on the application of either party be altered conformably to the provisions herein contained.

SECT. II. *And be it further enacted by the authority aforesaid,* That Charles G. Paleske, James Milnor, Samuel Wetherill, junior, John Baker, Joseph S. Lewis, John Sergeant, William Guier, Thomas B. Zantzinger, Samuel F. Bradford, Joseph Wat-

Certain former acts repealed.

Corporate titles of the Schuylkill and Susquehanna and Schuylkill and Delaware canal navigation to cease.

Style of the corporation.

All estates held and all suits brought under the former titles to be valid.

Proceedings, &c. to be altered.

son, William Read, Joseph Huddle, junior, and such other holders of shares being citizens of the United States as now have completed the same in the Schuylkill and Susquehanna navigation, and also in the Delaware and Schuylkill canal navigation. shall be the stockholders of "The union canal company of Pennsylvania; and by such name shall be able and capable by force of this act to be a body corporate and politic, in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation; and moreover shall be able and capable of holding their said 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 end and intent of this act; and of purchasing, taking, and holding to them, their successors and assigns in fee simple or for any lesser estate, all such lands, tenements, and hereditaments as shall be necessary for them in the prosecution of their works; and of doing all and every other act, matter, and thing which a corporation or body politic may lawfully do. And the president and managers which may be elected as hereinafter directed shall issue and deliver to the said stockholders certificates of their respective shares in "The union canal company of Pennsylvania;" and for each share of stock in the Schuylkill and Susquehanna navigation, the holder thereof shall have two shares in "The union canal company of Pennsylvania; and for each share of stock in the Delaware and Schuylkill canal navigation the holder thereof shall have one share in "The union canal company of Pennsylvania;" and for each share in the said "union canal company of Pennsylvania," the holder thereof shall be entitled to one vote; *Provided always*, That no person shall have more than twenty votes at any election or in determining any question arising at such meeting, whatever number of shares he may be entitled to; nor shall any stockholder be entitled to vote by proxy.

Stockholders incorporated.

Privileges of the corporation.

Certificates of shares to be issued.

Shares proportioned.

Number of votes to be given by the stockholders.

SECT. III. *And be it further enacted by the authority aforesaid*, That the shares of stock of the said "union canal company of Pennsylvania," shall be considered and taken as personal property, and transferrable at any time hereafter on the books of the said company in the presence of the secretary of the said "union canal company of Pennsylvania," according to such rules and regulations as from time to time the said company may direct; and whenever transfers shall hereafter be made, or the holders of shares shall desire it the secretary shall issue certificates in lieu of those now held, which new certificates shall be in the corporate name hereby established; and the said stock shall not be assignable or transferrable to any person or persons not citizens of the United States, nor

Stock to be transferrable.

Transfers how to be made.

No alien to be a stockholder.

shall any of the profits or emoluments derivable therefrom be received or enjoyed by any but citizens as aforesaid.

When the annual meeting shall be held.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the annual meeting of the stockholders shall be on the third Tuesday in November in each year, to commence at ten o'clock in the forenoon; when the president and managers shall lay before them an abstract of the receipts and expenditures, cost of land, and amount of loans obtained or made, and such other matters as they may think expedient; which abstract shall be printed and a copy thereof delivered to each stockholder, and also to the governor, and each member of both houses of the legislature at their next session; and if a vacancy has taken place in the board of managers the stockholders shall then elect a new manager; and also to alter or amend and make such further by-laws, rules, orders and regulations, as they then may think necessary and expedient.

Abstract of the accounts to be produced.

Each stockholder to receive a copy. Also the governor and legislature. Vacancies how supplied.

Presidents may call a meeting of the stockholders.

Notice to be given.

If the stockholders agree to the provisions of this act, it shall be certified to the governor.

Who shall thereupon declare by proclamation, &c. Proviso

SECT. V. *And be it further enacted by the authority aforesaid,* That after the passing of this act, the president and managers of the Schuylkill and Susquehanna navigation, and the president and managers of the Delaware and Schuylkill canal navigation, may if they think it advisable, call a meeting of the stockholders of their respective companies by advertisement in three of the newspapers of the city of Philadelphia, one whereof to be German, once a week for four succeeding weeks; said meeting to commence at ten o'clock in the forenoon, and close at two o'clock in the afternoon, and the majority of the stockholders, then present, signifying in writing, their consent and agreement to the provisions contained in this act, the president and managers of each corporation aforesaid, shall under their respective corporate seals deliver a duplicate of said instrument of writing to the governor to be by him deposited in the office of the secretary of the commonwealth; and that thereupon the governor shall declare by proclamation this law to have full force and effect; *Provided always,* That if any of the stockholders of the said Schuylkill and Susquehanna navigation, or of the said Delaware and Schuylkill canal navigation, shall neglect or refuse to deliver their certificates of stock in either of the said companies, and accept stock in lieu thereof in the said union canal company of Pennsylvania, it shall and may be lawful for such stockholder, at any time within two years after the passing of this act to institute a suit against the president, managers, and company of the said union canal company of Pennsylvania in any court of competent jurisdiction in this commonwealth, to recover a just compensation for every share of stock he holds in either of the said companies, and from and immediately after the final determination, of all and every such suit or action according to law, all and every such stockholder

shall severally cease to be and remain stockholders in the said Schuylkill and Susquehanna navigation, and the said Delaware and Schuylkill canal navigation respectively, and they shall from thenceforth severally and respectively have no further claim, interest, or demand on the said union canal company of Pennsylvania for or by reason of their former interest in either of said companies except to receive and obtain the amount of the award, verdict, or judgment by them to be recovered in the said suit or action.

SECT. VI. *And be it further enacted by the authority aforesaid,* That as soon as the said proclamation shall be made, the president and managers of the Schuylkill and Susquehanna navigation and of the Delaware and Schuylkill canal navigation shall as early as may be thereafter call a joint meeting of the said stockholders, and the said stockholders voting as before enacted shall then choose five managers, one of whom to be designated president, one vice-president, and one treasurer, to serve until they or any of them shall resign or be removed by the stockholders for incompetency or misbehaviour in office; and shall enact such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this State or of the United States, as they may think necessary and expedient; and transact such other business as may be brought before the meeting; and to fix the salaries of the respective managers: and the said president and managers shall have authority to appoint a secretary, engineers, and such other officers, and allow such compensation as they may find necessary and expedient.

Joint meeting of the stockholders to be held.

Officers to be chosen.
Tenure of office.

May enact by-laws, &c.

Fix salaries and wages.

And appoint a secretary, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the president whilst acting as such shall not be engaged in any kind of manufacturing, mercantile or speculative concerns, and that none of the managers shall hold any real estate on the route of the canal previous to the same being fixed and declared, exceeding the value of one thousand dollars; nor be directly nor indirectly concerned in any contract in which the said "union canal company of Pennsylvania" shall be a party.

Qualifications of the president.

And managers.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the treasurer to be appointed by virtue of the sixth section of this act, shall, before he enters upon the duties of his office, enter into a bond with one or more sureties, to the president and managers of said company, and to their satisfaction in the sum of thirty thousand dollars for the faithful performance of the duties enjoined upon him by virtue of his said office, a duplicate of which said bond shall be deposited with the secretary of the commonwealth; and the said treasurer shall receive all the monies belonging to the said company, and deposit the same in any of the incorporated banks established by law in the

Treasurer to give security.

Bond to be deposited in the secretary's office.
Duties of the Treasurer.

How monies shall be drawn.

Vacancy in the office of Treasurer how supplied.

Canal may be opened.

Route of.

May make soughs, basons, &c.

And wing-dams, provided they do not extend more than one third across the river.

Nor to impede the navigation.

No toll to be exacted of boats navigating the Schuylkill.

state of Pennsylvania, or in either of their branches, in the name of the "union canal company of Pennsylvania;" and no monies of said company shall be drawn out of said banks except for the use of said company, and by checks signed by the said president by order of the board, and counter-signed by the secretary, and made payable to the order of the said treasurer who shall then endorse the same. And in case of vacancy by death, resignation or otherwise of the said treasurer the president and managers of the "union canal company of Pennsylvania" shall appoint another till the next annual meeting of the stockholders.

SECT. IX. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of "The union canal company of Pennsylvania" to open a complete canal and lock navigation from one or more points on the river Susquehanna, to the tide water of the Schuylkill or the Delaware, or both; or by erecting small wing dams to raise the water of the river Schuylkill, and taking the water on either side of and out of the said river by means of a wing dam, canal, lock or other device; or by taking the water of the said river at any place or places which to them may seem most suitable on either side of the same; and thence to conduct the water thereof by means of a canal in such route as they shall find most practicable, economical, and conducive to the general objects of the proposed navigation, down to the tide water of the said river Schuylkill; or by means of canals, locks, or any other suitable means and devices, to continue at any time hereafter during the continuance of the powers hereby granted the navigation from Reading, or any other place through the interior country on either side of the river Schuylkill, and by making use of the waters of the said river Schuylkill, or of the Manatawney, Perkiomen, French-creek, or any other creeks or streams on the intended route of the said canal, to a proper place of entry into the river Schuylkill or Delaware, or both, on the north side of the city of Philadelphia; and the said president and managers shall have power to make such and so many soughs, basons, reservoirs, collateral cut or cuts and channels as they may think fit, and to erect one or more wing-dams from either side of the said river Schuylkill at such place or places where they shall commence any of their canals, extending up the stream, but not more than one-third across the same, nor so as to render the navigation thereof dangerous by forcing boats or rafts on the opposite shore or on rocks or shoals which might otherwise have been passed in safety; *Provided,* That nothing herein contained shall be taken or understood to give the said corporation any right or power to take toll from boats or rafts passing on the bed of the river Schuylkill.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of "The union canal company of Pennsylvania" to construct one or more aqueducts across the river Schuylkill, at such place or places as they may find most convenient; and in case they should enlarge any of their aqueducts so as to permit foot passengers, horses, cattle, or carriages to pass the same, they shall have power to receive the same rate of toll and on the same terms and conditions as is now by law established in regard to the bridge near Trenton, over the Delaware.

Aqueducts may be constructed across the Schuylkill.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of "The union canal company of Pennsylvania" to contract with the mayor, aldermen, and citizens of Philadelphia, for supplying the city of Philadelphia with water; and with the commissioners and inhabitants of that part of the township of the Northern Liberties lying between the west side of Sixth-street and the river Delaware, and between Vinc-street and Cohocsink creek, for supplying the said incorporated part of the said township with water; and with the commissioners of the county of Philadelphia for supplying with water any of the built parts of the said county not incorporated; and also with any private individuals or bodies corporate, not within the limits of the city of Philadelphia, or the said incorporated part of the township of the Northern Liberties, for supplying such individuals with water; and for the purpose of effectuating such contracts or any part of them, the said "union canal company of Pennsylvania" shall have power to lay pipes and other conductors under the roads, lanes, streets, alleys or other passages which may be requisite, doing as little damage as may be, and replacing the ground as it was before; also to form wet and dry docks for the accommodation of vessels near the city of Philadelphia to communicate with the waters of the said canal.

Corporation may contract to supply the city with water.

And with the commissioners of part of the Northern Liberties.

And with the commissioners of the county of Philadelphia.

And with private individuals.

And may lay pipes and conductors.

And form wet and dry docks.

SECT. XII. *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 into two parts so as to require fords or bridges to cross the same, the said president and managers shall be at liberty as they may think proper, at any time hereafter, either to build bridges or cause fords to be rendered practicable and fit for the passage of carts and waggons; and the bottom of such fords shall be made of stones or wood; and the water of any such ford shall not be deeper than thirty inches; and the breadth of such ford shall be twelve feet at the least: and whenever any such bridge or bridges may have been erected, either to repair the same or cause a ford to be made in lieu thereof.

Bridges or fords to be erected, &c where the canal divides the grounds of individuals.

New modes and devices may be adopted.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if in the opinion of the president and managers of the said "union canal company of Pennsylvania," the introduction and use of any different mode or device, or any improvement hitherto adopted, or such as may hereafter any where be invented in the system of internal navigation, will be beneficial, it shall be lawful for them to make use of and apply the same from time to time, and as well for such purposes as for the necessary prosecution of the same, the said president and managers, and their engineers, workmen and laborers, to enter into and upon all and singular the land and lands intended or supposed to be the proper route for the said canal and lock navigation; and shall have the powers to purchase so much land along the tract of the canal and adjacent thereto, and tenements, mills, mill ponds, water, water courses, or other real hereditaments as shall in their opinion from time to time be necessary; and in default of purchasing, it shall be lawful for the courts of quarter sessions or the mayor's court in the city of Philadelphia, on the application of the owner of the said ground, or of the said president and managers, to appoint three suitable and judicious persons of any neighbouring county at their discretion, or at the request of either party, to award a venire directed to the sheriff of any adjoining county to summon a jury of disinterested men in order to ascertain and report to the said court what damages if any have been sustained by the owner of the said grounds by reason of the said canal or other works; which report being confirmed by the court, judgment shall be entered thereon, and execution on motion may be issued in case of non payment of the money awarded. with reasonable costs, to be assessed by the court; and it shall be the duty of the jury in valuing any lands, tenements or hereditaments, to take into consideration the advantage derived to the owner or owners of the premises from the said navigation passing through the same.

President, &c. may enter upon lands.

And make purchases.

How damages to be assessed.

Execution may issue for the amount

Valuation how made.

The president, &c. may purchase land for a turnpike road.

Width of road.

Tolls to be received.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the president and managers of the said "union canal company of Pennsylvania" shall have power, whenever it may appear to them expedient, to acquire by contract or on application to the court of quarter sessions or mayor's court, as in the last section mentioned, so much land adjoining any of the said canals or as near thereto as the ground and other circumstances will admit of, as may be necessary for a turnpike road not exceeding sixty-six feet in width, and shall be entitled to receive from all persons using the same, the same rate of tolls; and to be entitled to the same means and remedies for enforcing the payment thereof as is now by law established for the Lancaster and Philadelphia turnpike road.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the said president and managers may at any time hereafter purchase, build, or hire for the use and in the name of the said "union canal company of Pennsylvania," houses, warehouses, wharves, and other necessary buildings, and to sell or lease any part or the whole of the above mentioned property; together with the lands appurtenant to or necessarily connected therewith; and also any surplus water of the canal, in such manner as they may think most conducive to the interest of the said company.

Warehouses may be purchased, &c.

And sell, or lease the same.

And the surplus water of the canal.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers to receive for the use of any of their ware-houses, wharves, reservoirs, or any other property belonging to the said company, such compensation from time to time as they may think proper; which fund shall be looked upon as part of the tolls to enable them to reduce the same as much as possible.

Receipts for the use of warehouses to be considered as toll money.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of the "union canal company of Pennsylvania" to take and carry away any quantity of stones, gravel, limestone, sand, or any other material requisite for the use of the said "union canal company of Pennsylvania," be the same contiguous to the said canal or at any distance, they paying for the same; and all the damages and the value of all such materials, together with the damages that shall be ascertained in the manner provided by this act.

President, &c. may take materials, &c.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever whereby the said navigation, or any lock, gate, engine, machine or device thereunto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the said company, fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt in any court having jurisdiction competent to the sum due.

Penalty on injuring the navigation, locks, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the collector of tolls duly appointed and authorized by the said president and managers, may stop and detain all boats and vessels using the said canal and navigation until the owner, skipper or supercargo of the same shall pay the tolls so as in the next section is fixed, or may distrain part of the cargo therein contained sufficient by the appraisement of two credible persons to satisfy the same; which distress shall be kept by the collector of the tolls taking the same, for the space of five days, and after-

Collectors may detain boats, for tolls due.

Or distrain part of the cargo.

Which may be sold, &c.

wards to be sold by public auction at the most public place in the neighbourhood to the highest bidder in the same manner and form as goods distrained for rent are by law sold, rendering the surplus if any there be after payment of the said tolls and the costs of distress and sale to the owner or owners thereof.

How rates of toll to be fixed.

SECT. XX. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president and managers of "The union canal company of Pennsylvania" to regulate and fix from time to time as they may think proper, the rate of toll on every article or boat for each distance and the rate for the supply of water and also the rate for wet and dry docks; *Provided,* the same does not exceed the rate of dividend of twenty-five per centum per annum on the capital expended.

Account of receipts to be kept.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the president and managers of the said "union canal company of Pennsylvania" shall keep a just and true account of all the monies received by them; and shall make, publish and pay to all the stockholders quarterly, a dividend of the profits and income of the said canal road and other revenues; and shall once in every period of three years from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature.

And dividends made.

Abstracts of accounts to be laid before the legislature.

If the work be not completed before 1830, the privileges may be resumed.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if the said president and managers of the "union canal company of Pennsylvania" shall not have completed the aforesaid water communication before the end of the year of our Lord, one thousand eight hundred and thirty, it shall be lawful for the legislature to resume all the rights, liberties and privileges hereby granted; *Provided,* that if on application of the said president and managers on or before the first Monday in January, in the year of our Lord, one thousand eight hundred and thirty, it shall appear to the legislature that fifty miles of the intended navigation has been in operation six months previously to said application, then and in that case the time for completing the said navigation with all the powers and privileges, benefits and rights thereto attached or belonging, shall be, and the same are hereby prolonged and continued for a further period of ten years from and after the first Monday of January, in the year of our Lord, one thousand eight hundred and thirty, for the purpose of fully finishing and completing the said necessary navigation.

But if 50 miles be previously completed, time to be extended.

Property of the canal vested in the corporation.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That when the said canal shall be completed the property thereof shall be vested in the said corporation during and unto the end of fifty years, to commence from the time when the canal is completed; and when the said tolls and income shall exceed

twenty-five per cent. nett annual profit the excess shall compose a fund for the redemption of the canal wet and dry docks, and other property of the said company, so as to render it free; save that there shall always be a small toll or other revenue for keeping the works in repair; this excess shall be laid out in the stock of the said "union canal company of Pennsylvania" or other productive funds, and the dividends or annual product thereof shall also be added to this fund: and all private donations for freeing the canal shall also be received and invested in like manner. But if by the operation of the fund herein proposed there shall be a sufficient sum to free the canal at a period less than fifty years, then it shall be redeemed and become free on the stockholders being paid the appraised value thereof and of the profits for the residue of the said term of fifty years which may then be unexpired; and if the said fund shall not be adequate to the purpose last mentioned, the legislature may at the expiration of fifty years declare it a free navigation, (providing at the same time the means of keeping it in repair;) and the company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement by six disinterested persons under oath or affirmation, to be chosen one half by the governor on behalf of this commonwealth, and the other by the said president and managers, or in case the said parties cannot agree, the said six persons shall be nominated by the judges of the supreme court of Pennsylvania, and the decision of them or a majority of them shall be final and conclusive: the like appraisement shall take place when the sinking fund is adequate to the redemption of the canal, and the establishment of a revenue if a toll be not thought more eligible for keeping the navigation and docks in repair. But if the said canal and docks shall not be redeemed and paid for before or at the expiration of the said term of fifty years, the said company may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed; *Provided*, That whenever the profits of the said "union canal company of Pennsylvania" shall amount to a clear annual dividend of fifteen per centum on the whole amount of their capital, there shall then be reserved one per centum out of the same which shall be applied at the direction of the legislature.

Excess of income to compose a fund for the redemption, &c.

Toll for keeping the works in repair.

How donations to be invested.

When the canal may be freed.

Legislature may free the canal.

How the value of to be ascertained.

If the work be not freed, the company to ho

One per cent. to be retained when the dividends exceed 15 per cent

SECT. XXIV. *And be it further enacted by the authority aforesaid*, That if any officer or officers shall at any time be authorized by the laws of the United States to subscribe to the capital stock of the said company, the president and managers thereof shall have power to admit at their discretion such subscriptions to be made on such terms as the said officer or officers may be authorized to make the same. And whenever such subscription is agreed upon, the officer or officers so subscribing may appoint

Officers of the United States may subscribe for stock.

And may appoint an agent.

any or all the meetings of the said president and managers of "The union canal company of Pennsylvania," and shall have access to, and may whenever he thinks proper, examine during the day-time, any and all the books of the said company.

Privileges of.

Gift, &c. may be received as a sinking fund.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of "The union canal company of Pennsylvania," to accept and receive any gift or legacy as a sinking fund from any individual, body politic or corporate, any real or personal estate.

Loans may be raised.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of the said "union canal company of Pennsylvania" to raise by way of loan from any individuals, bodies politic or corporate, on such terms and conditions as they may think fit, such sums of money as they may from time to time find expedient for the completion of the objects aforesaid, upon the credit of the capital stock and incorporation, including the nett proceeds and avails of the lotteries hereby authorized and the tolls and profits of

On mortgage, &c.

the same, and for the fulfilment of the terms and conditions of any such loan, to mortgage any part or the whole of their property, tolls, profits, or estates whatsoever; which mortgage or mortgages shall be transferrable at any time hereafter on the books of the company in the presence of the secretary of the said "union canal company of Pennsylvania" in like manner

Mortgages how transferrable.

How the company funds may be vested.

as the shares of the stock of the said company are now or may hereafter be transferred; and the sums thus raised and any other funds of the said company which may not immediately be wanted for the prosecution of the works of said canal, may by them from time to time be vested in the public securities of the United States, or in the stock of any bank or banks incorporated in Pennsylvania, or in any incorporated turnpike or bridge company in the name of the "union canal company of Pennsylvania;" and the said president and managers for the time being, shall have full power and authority, and they are hereby expressly empowered and authorized from time to time to sell, dispose of and transfer, and cause to be sold and transferred, all or any of the public or other securities, stock, or evidences of debts in which the capital stock and funds of the company shall be invested as aforesaid, and the proceeds of any such sale, disposition and transfer, to invest in the same or any other of the aforesaid securities and stocks according to the provisions and regulations aforesaid; and the said sums shall be only thus invested for the purpose of producing some revenue till the said money is wanted for the purpose of prosecuting the canal and for no other purpose whatsoever; *Provided,* That the said president and managers shall have no power to invest any of the unemployed monies

Provide.

of the company in the manner aforesaid after the end of the year one thousand eight hundred and twenty.

SECT. XXVII. *And whereas*, The privilege heretofore granted by the legislature to the president and managers of the Schuylkill and Susquehanna navigation and the president and managers of the Delaware and Schuylkill canal navigation, to raise by way of lottery a sum of money to be applied to carrying on their works, has hitherto proved ineffectual and the intention of the legislature has been defeated by the sale of tickets in lotteries of other states which are contrary to law vended in this state; *And whereas* there can be no object which is more likely to promote the great interests of the citizens at large than the improvement of our internal navigation by the contemplated canal and lock navigation; *Be it therefore further enacted by the authority aforesaid*, That any person or persons who shall sell or expose to sale, or cause to be sold or exposed to sale, or shall advertise or cause to be advertised, for sale, any lottery ticket or tickets in any lottery not authorized by the laws of this commonwealth, or shall be aiding and assisting or in anywise concerned in the sale of such tickets, or in the managing conducting, or carrying on any lottery or device in the nature of a lottery not authorized as aforesaid, such person or persons being convicted thereof in any court of quarter sessions of this state, or in the mayor's court of the city of Philadelphia, shall forfeit and pay a fine at the discretion of the court not exceeding two thousand dollars to the said president and treasurer of "The union canal company of Pennsylvania," to be by them applied as a sinking fund.

No lottery tickets to be sold, except such as are authorized by the laws of this state.

Penalty on offending.

SECT. XXVIII. *And he it further enacted by the authority aforesaid*, That there shall be raised by way of lottery the residue of the original sum not exceeding the sum of three hundred and forty thousand dollars, authorized to be raised by the president and managers of the Schuylkill and Susquehanna navigation, and the president and managers of the Delaware and Schuylkill canal navigation, pursuant to an act, entitled, "An act to enable the president and managers of the Schuylkill and Susquehanna navigation, and the president and managers of the Delaware and Schuylkill canal navigation, to raise by way of lottery the sum of four hundred thousand dollars for the purpose of completing the works in their acts of incorporation mentioned; passed April the seventeenth in the year of our Lord, one thousand seven hundred and ninety-five; and that it shall be lawful for the President and managers of the said "union canal company of Pennsylvania" either to appoint one or more managers not being stockholders in the said company, on such terms as they may think fit, or if it shall appear to them advisable, to sell and assign to any person or persons, body politic or corporate, the right to raise the said residue of money by way of lottery or lotteries, upon such scheme or schemes, plan or

President, &c. to raise by lottery 340,000 dollars.

Managers may be appointed.

Or the right to raise money by lottery may be farmed out.

Managers to give security.

Governor to appoint five commissioners to superintend the drawings.

Oath to be taken by.

Three or more to attend.

List of the fortunate numbers to be published.

Compensation of the commissioners.

Proceeds of the lotteries how to be considered.

Surveys, &c. of the route to be made.

Copy to be deposited with the secretary.

Legislature may invest monies in the stock of the company.

And be entitled to dividends.
And appoint an agent.

Privileges of.

plans as they may from time to time sanction, or any part thereof from time to time; and such purchasers or assignees shall be vested for the term they shall so acquire, with the same rights and privileges as the said corporation; *Provided*, That before disposing of any tickets in any such lottery, the manager or managers thereof shall personally in his or their individual capacity, enter into bonds to the president and managers of the "union canal company of Pennsylvania," and to their satisfaction, in the sum of one hundred thousand dollars conditioned for the due and faithful performance of the duties thereby on them devolved, and for the just payment of all prizes whenever demanded: and as soon as a duplicate of said bond is deposited with the secretary of the commonwealth, the governor is hereby authorized and required to appoint from time to time, five commissioners to superintend the drawings of said lotteries; which said commissioners shall take an oath or affirmation diligently and faithfully to perform the duties entrusted to them; and the said commissioners or any three of them shall attend at the drawing of each day, and when the whole is completed, shall cause an accurate list of the fortunate numbers to be published in three newspapers of the city of Philadelphia; and shall receive of the managers of said lotteries one dollar and fifty cents each for each day's attendance on the duties enjoined on them; and the profits arising from said lotteries shall not form a capital stock of said company upon which any dividend shall be made to the stockholders, but the same shall be considered as a bounty to said corporation to enable them to make the tolls as low as possible.

SECT. XXIX. *And be it further enacted by the authority aforesaid*, That the president and managers of "The union canal company of Pennsylvania" shall as soon as practicable cause the surveys and estimates to be made, and as soon as the route of the intended canal and lock navigation is fixed and the work begun, they shall transmit to the governor a copy of the said route, and the estimate to be deposited in the office of the secretary of the state: and it shall be at the discretion of any future legislature for five years after the date of the deposit of said route and estimate, to invest in the stock of said company any sum not exceeding the amount then expended by the stockholders, and be entitled to an equal dividend with the same; at which time the legislature may appoint an agent, who may whenever he thinks proper, be present at any and all the meetings of the said president and managers of "The union canal company of Pennsylvania; and shall have access to, and may whenever he thinks proper, examine during the day time any and all the books of the said company.

SECT. XXX. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the president and managers of

“The union canal company of Pennsylvania.” as soon as they may think proper, to extend their route to communicate with lake Erie or other waters of any neighbouring state, by canal and lock navigation, and turnpike on the same conditions, restrictions, franchises, immunities and provisions, as are by this act granted; which are hereby extended to any canals, bridges, aqueducts, road-works, or other devices which may be set on foot or established by virtue of this act.

Route may be extended to take Erie, &c.

JOHN WEBER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the second day of April, one thousand eight hundred and eleven.

SIMON SNYDER.

CHAPTER CXXXVII.

An ACT to authorize the sale of the real estate of Michael Helman, a lunatic, and for other purposes therein mentioned.

WHEREAS it appears by certain proceedings under a commission of lunacy directed by the court of common pleas of Allegheny county, in September term, one thousand eight hundred and four, that Michael Helman was then and for some time before a lunatic or *non compos mentis*; And whereas the relations and those who would be entitled to the estate of the said Michael in case of his death, have represented to the legislature that the real estate of said Michael, consisting of two tracts, one containing three hundred acres of land, be the same more or less; the other one hundred acres of land be the same more or less; situate in Versales township, are incumbered with judgments and debts to a large amount, for the discharge of which John Gill and George Wallace, guardians appointed agreeably to law to take care of the person and property of the said lunatic, have sold the same to William Boyd and John Peterson for a valuable consideration: And whereas the said guardians have no power to make good and valid titles for said land; For remedy whereof,

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 John Gill and George Wallace of Pitt township, in the county of Allegheny, be and they are hereby authorized and empowered to make and execute a sufficient deed or deeds of conveyance to the said William Eoyd and John Peterson for the two tracts of land above-mentioned; which deed or deeds of conveyance shall be as good and valid in law to all intents and purposes as it*

J. Gill and G. Wallace empowered to convey certain lands.