

mate, any child or children born of the body of the said Louisa, during her coverture.

But the legitimacy of their children preserved.

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

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

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER CXCH.

An ACT to authorize the governor to incorporate a company for opening a canal and lock navigation on the eastern side of the Susquehanna, opposite the Conewago falls.

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 Haldeman, Henry Share, Henry Slaymaker, Adam Reigart, jun. Abraham Witmer, Jacob Grosh, John Greer, John Swar, John Pedan, James Mahaffy, James Wright. sen. Samuel Miller, James Duffy, Samuel White, and Samuel Clendenin, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of June next, provide a book for the entering of subscriptions, and shall write therein as follows: "We whose names are here subscribed, do promise to pay to the president, managers and company of the Susquehanna and Conewago canal, the sum of one hundred dollars for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers, in pursuance of an act of the general assembly of Pennsylvania, entitled, "An act to authorize the governor to incorporate a company for opening a canal and lock navigation on the eastern side of the Susquehanna, opposite the Conewago falls," and shall thereupon give notice in two of the public papers printed in the city of Philadelphia, and three in the borough of Lancaster, (one of which shall be in the German language,) during one calendar month at least, of the times and places when and where the said books shall be opened to receive subscriptions; at which times and places some one or more of the commissioners shall attend for that purpose, and keep open the books during six hours in each of three succeeding juridical days, or until five hundred and fifty shares are subscribed; and if such number of shares be not subscribed within that period, the said commissioners respectively may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given

Commissioners of the Susquehanna and Conewago canal.

Who are to provide books for subscriptions.

And give notice when and where the books will be opened.

May adjourn from time to time, &c.

by means of newspapers at each place where the said books shall have been opened, or elsewhere as occasion may require ; and when five hundred and fifty shares shall have been subscribed, the books shall be closed, and public notice thereof be given in two newspapers printed at Philadelphia, and two printed at Lancaster.

SECT. II. *And be it further enacted by the authority aforesaid,*

That as soon as two hundred shares shall have been subscribed, the said commissioners or a majority of them may certify the same, together with a list of the subscribers, and the shares by each subscribed, in writing to the governor, who thereupon shall constitute the said subscribers under the provisions of this act, a body corporate and politic, by the name, and style of, "The President, Managers, and Company of the Susquehanna and Conewago Canal," with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of increasing 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 to purchase, hold and enjoy, to them, their successors and assigns, in fee simple or for any lesser estate, any lands, tenements and hereditaments, goods, wares and merchandise, and all manner of estate, real, personal and mixed ; *provided*, the same shall not exceed at any one time one million of dollars.

When 200 shares are subscribed commissioners to certify to the governor.

Who shall create them a body politic.

Privileges of the corporation.

Proviso.

SECT. III. *And be it further enacted by the authority aforesaid,*

That the six persons first named in the letters patent of incorporation, shall as soon as conveniently may be after the sealing of the same, give notice in two of the public newspapers printed in Philadelphia, and two printed at Lancaster of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by ballot to be delivered either in person or by proxy, duly authorized, one president, ten managers, and one treasurer, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen, and to do and perform such acts, and to make such rules, ordinances and regulations not inconsistent with the constitution and laws of this state or of the United States, as they shall from time to time find convenient, useful, and necessary for establishing and maintaining the said canal and lock navigation, and the works thereto belonging or connected with the same ; and in general for the better managing and promoting the interest of the said corporation and company, and the improvement of the natural advantages of their estate in the premises, in as full and ample a manner as any other corporate

Notice to be given of the election for officers.

Officers to be chosen.

Company may make by-laws.

body within this commonwealth can or may do ; *provided always*, Proviso. that no person shall have more than five votes in his own name, in any election or in determining any question arising at such meeting, whatever number of shares he may be entitled to ; and that each person holding one or more shares under the said number of five, shall be entitled to one vote for every share by him so held.

SECT. IV. *And be it further enacted by the authority aforesaid*, That a public meeting of the stockholders shall be held on the first Monday of April in every succeeding year, in such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, for the determination of any question affecting the interest of the company. Annual meeting of sto. holders, on the 1st of April.

SECT. V. *And be it further enacted by the authority aforesaid*, That the said president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation ; and each subscriber shall be entitled to one such certificate for each share by him subscribed, on paying to the treasurer in part of the sum due thereon, thirty dollars on each share which certificate shall be transferrable either by the owner in person or by his attorney duly authorized, in the presence of the president or treasurer for the time being, subject however to the payment due or that may become due thereon, and the person or persons to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company. Certificates of stock to be printed for the stockholders. Certificates transf. tabl.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the said president and managers shall have power to enter upon the lands adjoining the Conewago falls, on the eastern side of the Susquehanna ; *provided*, no injury be thereby done to any building heretofore erected, and to lay out, make and erect a canal forty feet wide round the said falls, and the necessary locks for the completion of the said canal, and a road on each side of the canal of the breadth of thirty feet, according to the meaning and provisions of this act ; and if the said canal, locks or roads should be laid out, made and erected over or on any lands whereby the owner or owners thereof shall suffer damage, the person or persons sustaining such damage, or his, her or their legal representatives may make application to the court of quarter sessions of the county in which such damage shall be alledged to have been done, and thereupon the said court shall appoint six judicious and disinterested freeholders to view the premises, and adjudge and report on oath or affirmation to the next court of quarter sessions, the amount of said damage, which report if signed by the said viewers or any four Managers may enter upon lands, &c. Proviso. A road to be made on each side of the canal. How damages shall be ascertain- ed.

of them, and approved and confirmed by the said court, shall be final and conclusive between the parties, and the sum adjudged in damages, and the costs of the viewing shall be forthwith paid by the said company; *provided*, that the said company shall not without the consent of the owner or owners, take or use any land for erecting thereon mills or other water works for private uses.

SECT. VII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said president and managers, and their superintendants, artists, workmen and labourers, with carts, waggons, wains, and other carriages with their beasts of draft or burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the said track of the intended canal and navigation, first giving notice of their intention to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosure thereof, and making amends for any damages that may be sustained by the owners of such ground, by appraisement in manner hereinafter directed; and upon a reasonable agreement with the owners, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of three, or if they disagree, any two indifferent freeholders to be mutually chosen; or if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county; and upon tender of the appraised value, to carry away any stone, gravel, sand or earth, there being most conveniently situate for making or repairing said canal and navigation, and to use the same in carrying on the said works.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting four members shall be a quorum, who in the absence of the president shall choose a chairman and keep minutes of their proceedings to be fairly entered in a book kept for that purpose; and a quorum being met, they shall have full power and authority to appoint such engineers, superintendants, artists, assistants and workmen, as they shall deem necessary to the opening said canal and lock navigation, and they shall fix their salaries and wages; they shall also have power to make contracts to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for money necessary to comply with contracts, to pay salaries, wages and bills for work and labour done and performed, or materials found; which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things

Judgment of the court to be conclusive.

Workmen and labourers with their tools and implements may enter upon the lands adjoining the track of the said canal, doing as little damage as possible.

How appraisements are to be made.

Four members to be a quorum, who are to keep minutes of their proceedings.

Powers of a quorum.

All orders on the treasurer to be signed by the president, &c.

as by this act or by the by-laws, orders and regulations of the company, shall be committed to them.

SECT. IX. *And be it further enacted by the authority aforesaid,* That if any stockholder after thirty days notice in some one or more of the newspapers printed in Philadelphia, and also in one or more of the newspapers printed in Lancaster, of the time and place appointed for the payment of any portion, dividend or instalment of the said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall in addition to the instalment so called for, pay at the rate of five per cent. per month for every delay of such payment; and if the same and the said additional penalty shall remain unpaid so long as that the accumulated penalties shall become equal to the sum already paid on each share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or a majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting, or in default of payment by any stockholder of any such instalment aforesaid, the said president and managers may at their elections cause suit to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalties aforesaid.

Penalty for neglect of the payment of dividends, &c.

In what case a stockholder shall forfeit his right, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That when the said canal and lock navigation shall be completed of a sufficient and convenient width not less than forty feet, of a length sufficient to pass and extend beyond all obstructions created in the navigation of said river by means of the Conewago falls, and of sufficient depth to carry through the whole distance of the said canal a body of water at least three feet deep, the property of the same shall be vested in the said company, their successors and assigns forever; and the said company their successors and assigns, their agent or agents are hereby authorized and empowered to demand and receive from the owner or owners, or managers of each boat, raft, vessel or craft, as follows, *to wit:* For each keelboat, the sum of one dollar; for each ark, the sum of three dollars; for each raft of boards or lumber of any kind, two dollars for each passage up or down the said canal and locks; the said company shall keep and maintain a skilful person for opening the locks for assisting the boatmen in their passage through the same.

When the canal shall be vested in the said company.

Who may receive the following rates for the passage of rafts, &c.

SECT. XI. *And be it further enacted by the authority aforesaid,* That in case any boatman, raftman, arkman, skipper, or person conducting any vessel or craft, who shall have paid or tendered the payment of the toll as aforesaid, and shall be refused a passage one hour, either up or down the said canal at any reasonable time of the day, to wit, between sun-rising and sun-

If any boatman, raftman, &c. shall be detained, how he may obtain relief.

setting, such boatman, raftman, arkman, skipper, or other person conducting any of the aforesaid vessels or other crafts, not exceeding the dimensions of the said canal, may apply to any justice of the peace on either side of the river, who shall, on complaint made and substantiated by oath or affirmation, issue process to bring the proprietor or proprietors of the said canal their tenant or tenants, agent or agents, so refusing, before him, who upon appearance or upon proof of the due service of the process, and if he or they do not appear, he shall proceed to hear the complaint or complaints of such boatman, raftman, arkman, skipper or other person conducting such craft or vessel as aforesaid; and if the said complaint or complaints shall be well founded, he shall give judgment in favour of such boatman, raftman, arkman, skipper, or other person conducting any such craft or vessel as aforesaid, for the sum of twenty dollars for every boat, raft, ark or other vessel, or craft, which was so refused a passage as aforesaid; and if not paid on the passing of such judgment, the justice shall issue execution for the same directed to the proper officer, for the satisfaction of which, all the property of said company, their tenant or tenants, agent or agents, which may be found on the premises appurtenant to the said canal, shall be liable; *provided*, that such suit or suits shall be brought within thirty days after such refusal of passage as aforesaid; *and provided*, that the said canal shall be and remain always a public highway, and if the said company or their successors shall neglect or refuse as aforesaid, and shall not use every proper exertion to keep the said canal and locks in repair during any period of six months, the said company shall be liable to a penalty of one hundred dollars a month for every month thereafter that the said canal is out of repair to be recovered in manner aforesaid by him or them that shall sue for the same.

Provido.

The company shall not issue notes in the nature of bank notes.

SECT. XII. *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 indorsers 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.

Company may erect water-works.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, are hereby authorized and empowered to lead off and use the waters of the said river for the supply of such waterworks as they may see fit, to erect at and near the said canal, and to raise such dam or dams in parts of the stream of the said river, and to remove such obstructions therein as may be necessary to effect the purposes aforesaid; *provided*, they do not injure the navi-

Provido.

gation of said river, nor prevent or impede the passage through the said canal.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the company to be incorporated by the provisions of this act shall not within ten years from and after the date thereof, erect and complete a canal and lock navigation, as described by this act, then all the privileges hereby granted shall cease and determine.

Ten years allowed for the completion of said canal.

SECT. XV. *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, liberties and franchises hereby granted to the said company.

The legislature may divest the company of their chartered privileges.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if the legislature should at any time after the year one thousand eight hundred and fifty, think proper to take possession of the said canal or declare the same to be free of toll, five persons shall be appointed by the legislature, and five by the president and managers of the said company, who, or any seven or more of them, shall proceed to examine and estimate the value of the property (they being first duly sworn or affirmed) which the said company hath therein, and certify the amount thereof to the governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid to the said company, their right to take toll on the said canal, together with all their right, title, and interest therein, shall cease and determine; *provided always,* that nothing herein contained shall be so construed as to deprive the company from any privileges or advantages they may enjoy in consequence of any waterworks, which they may have erected, under the provisions of this act.

When the canal may be made free.

How the valuation is to be made.

Proviso.

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

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

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

## CHAPTER CXCIV.

*An ACT for the relief of Daniel Welker an old soldier.*

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,*