

taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of public worship or funeral, or from the militia on days of muster, or to or from township or general elections: *and provided also*, that if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within seven years afterwards complete the said road according to the true intent and meaning of this act, then in either of these cases all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

Certain exemp-  
tions.

2d. proviso as to  
time of commen-  
cing and com-  
pleting the work.

JOHN ST. CLAIR, *Speaker*  
*of the House of Representatives.*

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

APPROVED—the eighteenth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER XC.

An ACT to enable the governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna near Harrisburg:

SECT. 1. *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 Shoch, John Forster, Robert Harris, Andrew Dorsheimer, Michael Krehl, Daniel Stine, Henry Beader, Jacob Boas, Jacob Bucher, Obed Fahnestock, Abraham Oves, and John Bigler be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; *that is to say*, they shall procure a book or books and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the President and Managers of the Harrisburg canal 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, in pursuance of an act of general assembly entitled, "An act to enable the governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna near Harrisburg." Witness our hand the

Commissioners  
named.

Form of sub-  
scription.

Books to be  
opened.

day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

And shall thereupon give notice in the public newspapers printed in Harrisburg and in such other newspapers as they shall think necessary, of the time and place or places (one or more of which shall be in Harrisburg) when and where the said book or books shall be open to receive subscriptions for the stock of said company, at which time and places one or more of the said commissioners shall attend

Notice to be  
given thereof.

and shall permit and suffer all persons who shall offer to subscribe in the said book or books, which shall be kept open for the purpose at least six hours in every juridical day, for three days, if three days shall be necessary: and on the first of said days any person of the age of twenty-one years shall be at liberty to subscribe in his own name or in the name of any other person by whom he shall be authorized, for any number of shares not exceeding ten, and on any succeeding day while the said books shall remain open for any number of shares of the said stock; and if at the expiration of the said three days the said book or books shall not have four thousand shares therein subscribed, the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least one public newspaper, when the number of shares aforesaid shall have been subscribed, the said books shall be closed: *provided always*, that every person offering to subscribe in the said book or books in his own name or in the name of any other person, 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 charges, and the remainder shall be paid over to the treasurer of the said company as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

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

That when fifty or more persons shall have subscribed not less than half the number of shares aforesaid, the commissioners aforesaid, may, or when the whole number of shares aforesaid shall be subscribed they shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the governor of this commonwealth; and thereupon the governor shall by letters patent under his hand and the seal of the state, create and erect the said subscribers, and if the whole number of shares aforesaid be not then subscribed, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style and title of "The President, Managers and Company of the Harrisburg Canal." And by the same name the said subscribers and such others as may thereafter become shareholders shall be 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, and of purchasing, taking and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments, goods, chattels or effects as shall be useful or necessary for them in the prosecution of their work, and the

How long left open.

Number of shares which may be subscribed for by each person, on the several days.

Proviso.

Five dollars to be paid on each share &c.

Half the number of shares being subscribed letters patent may issue.

Style of corporation.

Powers and privileges.

same to sell and dispose of at their pleasure, and of doing every act, matter and thing which a corporation or body politic lawfully may or of right ought to do.

SECT. III. *And be it further enacted by the authority aforesaid,* That the seven persons first named in the said letters patent, shall, as soon as conveniently may be, give notice in the public newspapers printed in Harrisburg, and in at least one newspaper printed in each county in which the said books shall have been opened, and subscriptions taken (or if no newspaper be printed in any such county, they shall give notice in a newspaper printed nearest thereto) and by at least three printed or written advertisements set up in the most public places within such county, of a time and place by them to be appointed not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballots to be delivered in person or by proxy, one president, eight managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, who shall continue in office until the next succeeding annual election as hereinafter provided, and until such other officers shall be elected; and shall make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this state, as shall be necessary for the well ordering of the affairs of the said company: *provided always,* that no person shall have more than twenty votes on his own account 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 not exceeding the said number of twenty shall be entitled to one vote for every share by him so held.

Notice to be given of the time and place of organization.

What officers to be chosen.

By-laws:

Proviso, relative to number of votes.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers to cause a navigable canal with such locks and other works as shall be necessary, and a road on each side thereof to be made, commencing at the east side of the river Susquehanna, at some place between the houses of John Carson and Archibald McAllister, thence along or through the east side of the borough of Harrisburg to the said river at the mouth of Paxton creek, or at some point between the same and the town of Harrisburg.

Power to make canal locks &c.

Tract of the canal.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said company shall meet on the first Saturday of January in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they shall be assembled by the managers in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have full

Annual meeting of the company for electing officers.

power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such by-laws, rules, orders, and regulations as aforesaid, and to do and perform every other corporate act. If it shall happen that an election of president and managers be not made on the day above prescribed, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election in such manner as the by-laws and ordinances of the corporation shall prescribe. In case of a vacancy occasioned by the death, resignation, absence from the state or inability to act of the president or any of the managers, the board of managers shall choose another or others to supply such vacancy.

**SECT. VI.** *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places and be convened in such manner as shall be agreed on for transacting their business, at which meetings five members shall form 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 or books to be kept for that purpose, and a quorum being met they shall have full power and authority to agree with and appoint all such officers, artists and workmen as they shall judge necessary to carry on the intended works, and to fix their salaries or other wages or compensation, to ascertain the times, manner and proportions when and in which the stockholders shall pay the monies due on their respective shares in order to carry on the work, to draw orders on the treasurer for all monies necessarily expended, which orders shall be signed by the president or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

**SECT. VII.** *And be it further enacted by the authority aforesaid,* That the president and managers shall procure certificates to be printed or written for the shares of the capital stock of the said company and deliver one such certificate, signed by the president and countersigned by the treasurer and sealed with the common seal of the corporation, to each person, for every share by him subscribed and held, or at his election for any number of shares by him subscribed and held, which certificate shall be transferable by him at his pleasure in person or by attorney, in the presence of the president or treasurer, subject however to all payments due, and 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 that purpose, shall be a member of the corporation, and entitled to all the privileges and emoluments of the said company, and to vote as aforesaid at the meetings thereof.

Power to make and repeal laws.

Non-user not to dissolve the corporation.

Vacancies how supplied.

Five members to be a quorum.

Keep minutes and appoint officers.

Fix salaries.

Mode of drawing orders on the treasurer.

Certificates of stock.

Transferable.

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

That if any stockholder, after thirty days notice in the manner prescribed by the third section of this act, of the time and place appointed for the payment of any proportion of the said capital stock, in order to carry on the work shall neglect to pay such proportion at the place appointed for the space of twenty days after the time so appointed for the payment thereof, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of three per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such a space of time as that the accumulated penalties shall be equal to the sums already paid on account of the said share, then the said share and all the monies thereon paid shall be forfeited to the company, and may be sold by them to any person or persons willing to purchase for such price as can be obtained therefor.

Penalty on stockholders neglecting to pay.

Forfeitures!

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

That it shall and may be lawful for the said president and managers by and with their officers, artists and workmen with their tools and implements, carts, waggons, carriages, and beasts of draft and burden, to enter upon the lands in, over, contiguous and near to which the route and track of the said intended canal shall pass, first giving notice of their intention to the owners or possessors thereof or their representatives; and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages which any person may thereby sustain, or by taking away stone, earth, or other materials, which shall be ascertained by three disinterested persons, to be mutually chosen by the parties, or if they shall neglect or refuse to join in the choice, then by three disinterested persons to be appointed by any two disinterested justices of the peace in the county of Dauphin, and the sum of money so ascertained shall be the sum to be paid by the company.

Right of entry on lands, &c.

Notice to be given and damages repaired.

And compensation for materials, &c.

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

That it shall and may be lawful for the said president and managers to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof, as shall be necessary for the purpose of making, digging and perfecting the said canal, and of erecting and establishing all the necessary locks, works, roads and devices to such a navigation belonging and of erecting and establishing water-works, and manufacturing establishments on the said canal, if they can agree with such owners; but in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos mentis, or out of the state or otherwise incapacitated to convey, then it shall and may be lawful to and for the said presi-

Make contracts with owners of lands

Proceedings in case of disagreement.

dent and managers to apply to the judges of the court of common pleas of Dauphin county, who upon such application, are hereby authorized, empowered, enjoined, and required to frame and issue one or more writ or writs as occasion shall require, in the nature of a writ of ad quod damnum to be directed to the sheriff of the said county, describing the same and naming the owner or owners thereof, and commanding the said sheriff, that by the oaths and affirmations of twelve disinterested and lawful men of his bailiwick he shall enquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers or which shall be injured by the establishment of the said canal, will suffer and sustain any and what damages by reason or means of taking any such lands, tenements, or other real hereditaments necessary for the use of the said canal and navigation and the locks, roads and works thereto belonging, or for the use of the said water-works and manufacturing establishments, and to return the same writ together with the finding of the said jury to the next court of common pleas, to be held for the said county ; after such finding and upon such writ being delivered to the said sheriff, he shall give at least ten days notice in writing to the parties in the said writ named or their representatives, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath or affirmation that they will diligently enquire concerning the matters and things in the said writ specified and a true verdict give, according to the best of their judgment and ability, without favour or partiality to any, and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, or other real hereditaments in such writ specified, and having considered the quantity and quality of so much as shall be necessary to be vested in the said company for the purposes aforesaid, and the advantages which will accrue to the owners of such lands by the digging and perfecting of the said canal, as well as the disadvantages which shall be occasioned to them thereby, they shall cause the same to be minutely and exactly described by metes and bounds or other particular descriptions, and shall value and appraise the injury and damages which the owner or owners of such lands, tenements, hereditaments or other improvements, will, according to the best of their skill and judgment, sustain and suffer by means of the same being vested in the said company, defining and ascertaining as well all such lands and tenements, liberties and privileges so to be vested in the said company, as the several sums at which the said injuries and damages shall be so assessed ; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly setting forth all the mat-

ters and things aforesaid, and the sheriff shall forthwith return the same together with the said writ to the office of the prothonotary of the said county, and at the first court which shall be held in the said county, next after the return of any such writ, the judges of the said court shall examine the same; and if the said writ shall appear to have been duly executed and the return thereof be sufficient to ascertain the lands and tenements, rights, liberties and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said company, paying to the owners as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into court for the use of such owners, and also paying the costs of the said writ and of executing and returning the same, shall be entitled to have and to hold to them and their successors and assigns forever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof; and if any return so to be made shall not be sufficiently certain for the purposes aforesaid the said court shall award an inquisition de novo: *provided*, that no water shall be taken from the said canal through the land of any person or persons, nor shall any water-works or manufacturing establishments be made or erected on the land of any person or persons excepting the land late of William Maclay, deceased, without the consent of the owner or owners thereof; *and provided further*, that if any of the said lands of William Maclay, deceased, shall be taken as aforesaid by the said company for the purpose of leading off the water from said canal whereon to erect water-works, or for manufacturing establishments, the owner or owners thereof shall have the right if of lawful age, and if minors, their guardian or guardians are hereby authorized and required to subscribe the value of the lands so ascertained and taken to the stock of the said company, which is hereby authorized and required to receive the subscriptions to the amount thereof, at any time after said amount shall have been ascertained in the books of the said company and to issue certificates for the same to the persons entitled thereto.

*Proviso.*

*Relative to manufacturing establishments.*

SECT. XI. *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 a bridge to cross the same, the jury shall enquire of the damages to be sustained, in manner hereinbefore directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a bridge, and on such finding, the president and managers shall cause a bridge fit for the passage of carts, waggons, and other carriages to be built, and for ever after maintained and kept in

repair at all and every the places so ascertained, by the said jury at the costs and charges of the said company.

**SECT. XII.** *And be it further enacted by the authority aforesaid,* That if the said company after admitting any boats, rafts or craft of any kind to enter the canal at the head thereof, shall not by locks or other devices provide and maintain an easy, safe and ready passage for the same through the said canal into the Susquehanna at some point between the borough of Harrisburg and the mouth of Paxton creek, the said company shall forfeit and pay to the party injured for every day's neglect the sum of five hundred dollars, to be recovered as debts of the same amount are or shall be by law recoverable.

**SECT. XIII.** *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president and managers so soon as the said canal and navigation shall be perfected to appoint such and so many collectors of tolls for the passage of boats, vessels and rafts in, through and along the same, and in such places as they shall think proper; and that it shall and may be lawful for such toll-collectors and their deputies to demand and receive of and from the persons having charge of all boats, vessels and rafts passing through the said canal and the locks thereto belonging such tolls and rates for every ton weight of the ascertained burden of the said boats and vessels, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank and scantling in rafts, as the said president and managers shall think proper at any lock or other convenient place at the said canal; *provided,* that the amount of the said tolls shall not in the whole exceed the rate of six cents per mile, for every ton of the burden of such vessel, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank or scantling.

**SECT. XIV.** *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of rafts and the tonnage of boats, using and passing the said canal navigation, and to prevent disputes between the supercargoes and collectors of toll respecting the same, upon request of the owner, skipper or supercargo of such boat or raft, or of the collector of the said tolls, it shall be lawful for each of them to choose one skillful person to measure and ascertain the size of the said rafts or the number of tons which the said boat or vessel is capable of carrying, and to mark the said tonnage so ascertained in figures upon the head and stern of the said boat in colours mixed with oil, 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 which the number of tons so marked shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner skipper or supercargo of such boat or vessel shall decline choosing a person resident within two miles of the

Penalty on company for not providing locks, &c.

Collectors of tolls.

Tolls may be demanded.

Proviso, as to the amount.

Mode of ascertaining the size of rafts and boats.



place where such tolls are 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 collectors of tolls for the said company ; and the toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the place where such toll shall be made payable by the said company.

Tonnage to be marked on the boat.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the collectors of tolls duly appointed may stop and detain all boats and vessels using the said canal and navigation, and also all rafts passing the same until the owner, skipper or supercargo thereof shall pay the toll so as aforesaid fixed, or on default thereof may distrain part of the cargo therein contained, or a part of such rafts sufficient by the appraisement of three disinterested persons to satisfy the toll, which distress shall be kept by the collector of the toll taking the same for the space of five days, and afterwards sold by public auction at some place in the neighbourhood in the same manner and form as goods distrained for rent are by law made saleable, rendering the surplus, if any there be after payment of the said toll and the costs of distress and sale to the skipper, supercargo or owner thereof.

Power of detention, in case of refusal to pay toll--

and may distrain part of the cargo or raft--

and sell the same.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company may demand and require of and from the said treasurer and of and from all and every other the officers and other persons by them employed, bonds in sufficient penalties and with sureties as they shall by their rules, orders and regulations require for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Bonds from treasurer and other officers.

SECT. XVII. *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 monies received by them from the subscribers to the said undertaking for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended and on what account the same were expended, and shall at least once in every year submit such account to a general meeting of the stockholders until the work shall be completed and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged and the whole amount of the said expenses adjusted and settled.

Accounts to be exhibited annually to the stockholders.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the president and managers shall keep a just and true account of all the monies received by them, by the treasurer, and by the several and respective collectors of tolls on the said canal navigation, and of the monies expended, and shall make and declare a dividend of the receipts, profits and income thereof (all

Dividends to be declared on the first Mondays of January and July.

contingent costs and charges being first deducted) among all the stockholders respectively, and shall on the first Monday of January and July in every year, publish the half yearly dividend to be made of the said clear profits and income to and among the stockholders, and of the time and place, when and where the same shall be paid, and shall cause the same to be paid accordingly.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the said company shall not have power to issue any orders 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.

SECT. XX. *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 twelve 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.

SECT. XXI. *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 resume all and singular, the rights, liberties, privileges and franchises hereby granted to the said company.

JOHN ST. CLAIR, *Speaker*  
*of the House of Representatives.*

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

APPROVED—the eighteenth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER XCI.

*A further SUPPLEMENT to an act entitled "An act for re-establishing the charter of the Second Presbyterian church in the city of Philadelphia, and for other purposes therein mentioned.*

SECT. 1. *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 separation of the society or church in the Northern Liberties, erected and constituted by the trustees of the Second Presbyterian Church in the city of Philadelphia, as agreed upon by the pew-holders of both churches, and the trustees from the said corporation be and the same is hereby confirmed; and that all and singular the rights, powers, privileges and immunities of the

Shall issue no notes in form of bank notes, make discounts or receive deposits.

Canal to be completed in twelve years.

Legislature may resume the rights.

Articles of separation of the church in the Northern Liberties and Second Presbyterian church in the city of Philadelphia confirmed.