

CHAPTER XIV.

A FURTHER SUPPLEMENT

To an act, entitled "An act to authorise the Governor to incorporate a company to make a lock navigation on the river Schuylkill."

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 in all cases where application shall be made to

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

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

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

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

12 to be summoned by the sheriff to view the premises.

the court, pursuant to the direction of the eleventh section of the act to which this is a supplement, for a venire to summon a jury, to ascertain and report to the said court the damages mentioned in the tenth and eleventh sections of the said act, the party so applying shall give twenty days notice in writing to the other party, of such application; and in case an appeal be entered in the prothonotary's office of the county where the land lies, pursuant to the provisions of the said eleventh section, and the president of the company incorporated by the said act shall make oath or affirmation before any judge, justice of the peace, or alderman within this commonwealth, that he apprehends that injustice may be done by a jury to be summoned from the county where the land lies, and shall file a certificate thereof in the office of the prothonotary of such county, at any time before the expiration of the thirty days allowed for entering said appeal, or within twenty days after the entry of an appeal by the opposite party, and in all cases of appeals now depending or hereafter to depend for trial, pursuant to the act to which this is a supplement, upon such oath or affirmation being made and filed as aforesaid at any time before such trial shall be actually had, then and in such cases, the said court shall make an order directed to the sheriff of an adjoining county not bordering on the river Schuylkill, requiring him within thirty days after the date thereof, to make out a list of thirty-six disinterested inhabitants of his bailiwick, and transmit such list to the prothonotary of said court, and the said parties or their attornies shall attend at the office of the prothonotary of said court at ten o'clock in the forenoon of the second Monday after the expiration of the said thirty days, or at such other time as the said parties or their attornies shall agree upon, and then and there alternately strike off the names from such list until the number shall be reduced to twelve; and in case either of the said parties or their attornies shall not appear as aforesaid, in such case the prothonotary shall strike off names for such absent party; whereupon a venire shall be made out containing the names of the twelve persons so remaining on said list, and directed to the sheriff of the county where they reside,

commanding him to summon the said persons to go upon the premises where the injury is alleged to be done, and having viewed the same, to be and appear at the next court of common pleas of the county in which the premises are situated, for the trial of the appeal; and each juror residing in such adjacent counties shall be allowed one dollar and fifty cents per day for viewing such premises, and one dollar and fifty cents a day for his attendance at court, together with ten cents for each mile he shall necessarily travel in going to and returning from the said view or court, which daily pay and mileage shall be paid to the said jurors out of the treasury of the county in which such trial shall be had, and the same shall be reimbursed to such county by the unsuccessful party; and if any of the said jurors should make default at the said court, in such case the court may direct the vacancy to be supplied by one or more talesmen as in other cases, and the trial of such appeal shall have a precedence of all causes on the trial list at any time called for by either party: *Provided*, That it may be lawful for the parties to appoint six suitable and judicious persons, without regard to their place of residence, if they can agree upon such persons, who shall proceed in the manner directed in the said eleventh section.

Their compensation.

How paid.

If jurors make default how vacancy is to be supplied.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That so much of the act to which this a supplement, as relates to dividends of tolls and income, be, and the same is hereby repealed. And it shall be lawful for said company henceforward after paying all repairs and other necessary expenses, to declare a dividend not exceeding twenty-five per cent per annum on the capital stock of said company, and the tolls shall be so regulated from time to time, that the dividends shall not exceed twenty-five per cent per annum on the said capital stock; and the said company shall so reduce their tolls, that at no time hereafter shall there be demanded more than one half of the tolls, which they are by the act to which this is supplementary authorised to demand: *Provided*, That nothing in this act, or the act to which this is a supplement, shall be deemed to authorise the said company to purchase any lands containing coal, for the purpose of entering into the coal trade, or to engage directly or indirectly in the transportation of merchandise, lumber, coal, grain, flour or any other article, or to create any monopoly of such trade or transportation; and the second and fifteenth sections of the act to which this is a supplement shall be construed to confine the said company within the express provisions thereof: *And provided*, That this act shall not take effect until at a general or adjourned meeting of the stockholders called for the purpose, they shall accede to all the provisions of this act, and shall cause a notice under the corporate seal of said company of such acceptance to be filed in the office of the Sec-

Part of original act repealed.

When authorised to declare a dividend.

Proviso.

2d proviso.

cretary of the Commonwealth, to be obligatory upon them at all times.

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

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

JOSEPH HIESTER.

CHAPTER XV.

AN ACT

For the relief of Frederick Wendt, an old soldier.

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 State Treasurer be, and he is hereby directed to pay to Frederick Wendt, of Union county, or order, forty dollars immediately, and an annuity of forty dollars to commence on the first of January next, payable half yearly during life.*

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

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

JOSEPH HIESTER.