

glect or refuse to render such proof, or fail in proving their residence, other than at such infected port or place, every such person shall be dealt with by purification and detention, as persons coming from such infected port or place.

SIMON SNYDER, *Speaker*

of the House of Representatives.

ROBERT WHITEHILL, *Speaker*

of the Senate.

APPROVED—the third day of April, in the year of our Lord one thousand eight hundred and four.

THOMAS M'KEAN, *Governor*

of the Commonwealth of Pennsylvania.

CHAPTER CIX.

An ACT to authorise the proprietor or proprietors of the Conewago Canal to receive a Toll from the boats, rafts and vessels passing the same.

Section 1. **B**E 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 proprietor or proprietors of the Conewago canal shall keep and maintain, in good order and repair, the said canal, locks and appurtenances, and shall employ a skilful person or persons to superintend the same, and assist all and every person who may

The proprietors of the Conewago canal to keep the same in good repair, and to employ a superintendant

may have occasion to pass and repass the said canal, with boats, vessels, rafts or crafts, of such dimensions as are capable of being received in the same, *to wit*, not exceeding eighty feet in length, and twelve feet in breadth, and not drawing more than three feet and an half of water, at all times hereafter, unless when the passage shall be rendered impracticable by ice, or shall be damaged or obstructed by freshes, and during such reasonable time as may be necessary for removing such obstructions and making repairs.

to assist in the passing and re-passing of boats, &c.

Dimensions of boats that may pass through the canal.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the proprietor or proprietors of the said canal, their agent or agents, to receive from the manager or owner of each boat, raft, vessel or craft, the sum of fifty cents for each passage up or down the said canal and locks, for every boat, raft, vessel or craft, having so passed; and in case of non-payment, the said proprietor or proprietors, agent or agents as aforesaid, may distrain on any utensil, or part of the cargo or property found on board such boat, vessel, raft or craft, as is usual for rent, rendering the overplus, if any, after payment of toll and costs to the owner: *Provided always*, That not more than half toll shall be charged on any canoe passing up or down the said canal and locks.

Tolls allowed the proprietors;

for which, in case of non-payment, they may distrain, &c.

Sec. 3. *And be it further enacted by the authority aforesaid*, That in case any boatman, raftman, skipper or person conducting any vessel or craft, who shall have paid or tendered the toll as aforesaid, shall be refused a passage either up or down the said canal, at any reasonable time of the day, *to wit*, between sun rising

Penalty on refusing a passage through said canal to any boatman, &c.

rising and sun setting, when the canal and locks shall be in repair, and free from ice or other obstructions as aforesaid, such boatman, raftman, skipper or other person, conducting such boat, vessel, raft or craft, not exceeding the dimensions aforesaid, may apply to any justice of the peace on either side of the river Susquehanna, who shall, on complaint as aforesaid made and substantiated, by oath, issue process, to bring the proprietor or proprietors of the said canal, or their tenant or tenants, agent or agents so refusing, before him, who on their appearance, or upon proof of the due service of the process, if he or they do not appear, shall proceed to hear the complaint or complaints of such boatman, raftman, skipper or person conducting any craft or vessel as aforesaid; and if the said complaint or complaints shall be well founded, he shall give judgment in favor of such boatman, raftman, skipper or other person conducting any craft or vessel, for twenty dollars for every boat, vessel, raft or craft which shall be refused a passage as aforesaid; and if not paid on the passing of such judgment, the justice shall issue an execution for the same, directed to the proper officer; for the satisfaction of which all the property of the said proprietor or proprietors, their tenant or tenants, agent or agents, which may be found on the premises, appurtenant to the said canal, shall be liable: *Provided always*, That such suit or suits shall be brought within thirty days after such refusal of passage as aforesaid.

Proceedings to recover the penalty.

Suit for said purpose must be brought within a limited time.

Penalty on persons wilfully obstructing or injuring the navigation, &c.

Sec. 4. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine

or

or device thereto belonging, shall be injured or damaged, or shall commit any wilful trespass, or take, carry away, or conceal any engine, device, machine or instrument, used in or about the said canal and locks, or shall, of their own accord, open or cause the said locks or gates to be opened, or attempt so to do or to pass or repass the same, without the knowledge and consent of the superior, tenant or manager of the said canal and locks, he, she or they so offending, shall forfeit and pay to the said proprietor or proprietors, their tenant or tenants, agent or agents, fourfold the cost and damages by him or them sustained, by means of such known and wilful act, together with costs of suit, to be recovered as debts of equal amount are or may be by law recoverable.

Sec. 5. *And be it further enacted by the authority aforesaid,* That if the said canal and locks shall be out of repair, so as not to admit the passage of boats, vessels, rafts or crafts as aforesaid, to pass up and down the same, for the space of one month, or shall neglect to keep a person or persons there to open and shut the said locks, the proprietor or proprietors, their tenant or tenants, agent or agents, shall be liable to a fine of one hundred dollars for every month the said canal and locks shall be out of repair, or neglect to employ such person or persons as aforesaid, to be recovered in any court of quarter sessions of the proper county; one moiety to the prosecutor, and the other moiety to the use of the commonwealth, and moreover shall be liable to be prosecuted anew, under like penalties, at every subsequent court of quarter sessions, as long as the said canal and locks continue out of repair: *Provided always,* That the said proprietor or proprietors, their

Penalty, in case the canal and locks shall be out of repair for one month, &c.

How to be recovered, and to what use.

Proviso in case of unavoidable accidents.

their tenant or tenants, agent or agents, shall not be liable to said penalty if the said canal or locks become out of repair by any unavoidable accident, and reasonable diligence has been used to make such repair.

Limitation of
time for receiv-
ing toll.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the right herein granted to the proprietor or proprietors of the Conewago canal, to receive toll, shall continue and be in full force from the passing of this act, for nine years, and from thence to the end of the next session of the legislature, and no longer.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—the third day of April, in the year of our Lord one thousand eight hundred and four.

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CX.

An ACT to authorize and require the State-Treasurer to receive the Interest on Federal Stock, the property of this Commonwealth, and for other Purposes.

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly