

are hereby authorized and required to contract with any person or persons, and take security for opening and clearing the said road, for any sum not exceeding four hundred dollars; and the said commissioners are hereby empowered to draw an order or orders on the treasurer of Westmoreland county, for such parts of the sum of four hundred dollars, as shall be necessary for the purposes aforesaid, and shall be paid by him out of the arrearages of state taxes due from Westmoreland county, which shall be allowed him on the settlement of his accounts with the comptroller-general.

opening a road, along said boundary line; appropriation therefor;

how and out of what fund to be paid.

CHARLES PORTER, *Speaker*
of the House of Representatives.

JAMES BRADY, *Speaker*
of the Senate.

APPROVED—the first day of March, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN.

CHAPTER CXXXVIII.

A SUPPLEMENT to the act, entitled, "An act to enable the Governor of this commonwealth, to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapabilla and Swätara, in the counties of Berks and Dauphin."

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

Of fixing the valuation of lands, &c. necessary for the canal.

sembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the president, managers and company of the Schuylkill and Susquehanna canal navigation, as often as they shall find it necessary to include in one writ, in the nature of a writ of *ad quod damnum*, all, or any parts of such lands, tenements and hereditaments, within any one county, as may be necessary for the said canal, and the works thereto belonging; and the sheriff of such county, shall execute the same by one jury selected, in the manner prescribed by the act to which this is a supplement, and in all other respects proceed in the manner thereby prescribed, and the said president, managers and company, may upon the return of such writ and tender of the valuation to any owner of such lands, tenements, and hereditaments, enter thereon and proceed in the execution of their work: *Provided*, That the return to every such writ, shall particularly set forth the damages awarded to each of the owners, and if it shall appear to the supreme court, on the application of the said company, or any of the said owners, that any such valuation has not been justly made, it shall and may be lawful for them to set aside so much of such valuation and the return thereof and no more, and to award a new writ in each case, wherein the return of the valuation shall have been set aside as aforesaid.

The Governor authorized to subscribe, on behalf of the commonwealth, for 400 shares in the stock of the company, &c.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the Governor subscribe on behalf of this commonwealth, for four hundred shares in the capital stock of the said company, upon the same terms with the present stockholders: *Provided*, That the price thereof be not paid to the said company, until the said canal shall be completed and in operation: *Provided*

vided also, That the commonwealth upon her whole stock, shall receive out of the tolls of the said company, dividends equal to six per cent. per annum, upon the cost of the said four hundred shares; but that it shall be optional with the said company when the said canal is completed, whether they will receive the said subscription and admit the state to shares in the said company upon the terms aforesaid.

Sec. 3. *And be it further enacted by the authority aforesaid*, That during the progress of the said work, it shall and may be lawful to and for the said president and managers, to apply the tolls arising from the said canal, either to the finishing the same, or to the making of dividends, and also, that the surplus water of the said canal may be used and applied to such useful purposes as shall be deemed by the said president, managers and company, most beneficial to the interest of the said company: *Provided always*, That such surplus water shall not be so used or applied as to affect or injure the rights or privileges of any individual, or of any body politic or corporate.

Of the application of the tolls, during the progress of the work and of the surplus water.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the president and managers of the said Susquehanna and Schuylkill canal company, shall have power at any time, to re-admit the holders of forfeited shares upon payment of the arrears due thereon with interest.

The president and managers authorized to re-admit the holders of forfeited shares.

Sec. 5. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, annual meetings of the stockholders of the said company, shall be on the first

Of the annual meetings of the stockholders, &c.

first Monday of December, in each and every year, and not as heretofore on the first Monday in January, and that a full statement of the accounts of the said company, shall be laid before the Legislature at the end of every two years.

Parts of the
original act
repealed.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the second section of the act passed on the twenty-third day of March, one thousand eight hundred and two, limiting the continuance of the act, to which this is a supplement, to five years, and the limitation contained in the last section of the said original act, and so much of the said original act as shall be hereby altered or supplied, be, repealed and the remainder thereof be continued in full force until the first day of January, one thousand eight hundred and twenty, and from thence until the end of the next session of the General Assembly of this commonwealth.

CHARLES PORTER, *Speaker*

of the House of Representatives.

JAMES BRADY, *Speaker*

of the Senate.

APPROVED—the first day of March, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN.

CHAP.