

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any alien, who, on the eighteenth day of June, one thousand eight hundred and twelve, resided, and has since continued to reside in this state, and who is a subject of any sovereign, state, or nation, at war with the United States, after having filed according to law, a declaration of his intention to become a citizen of the United States, to receive, hold and convey any lands and tenements within this commonwealth not exceeding in quantity two hundred acres, nor in value twenty thousand dollars, as fully to all intents and purposes as a citizen of the United States can do.

Certain aliens having filed their declaration, &c. may hold and convey lands to a certain amount.

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

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

APPROVED—the twenty-second day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CIV.

An ACT to enable the governor of this commonwealth to incorporate a company for improving the navigation of the river Lehigh.

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 Robert Wallace, John Naglee, (lumber merchant, Northern Liberties,) Thomas Stewardson, Joseph Grice, (ship builder, Northern Liberties,) John Gibson, for the city and county of Philadelphia; Asher Miner, Samuel Sellers, Hugh Ely, Joseph Smith, Anthony Taylor and Adam Romig, for the county of Bucks; John Ross, William Latimore, Joseph Rice, John D. Bowman, and Jacob Stem, for the county of Northampton; James Wilson, Jacob Newhart, Jacob Blumer, Nicholas Saeger, for the county of Lehigh; Redman Cunningham, Ebenezer Bowman, Jacob Cist and Joseph Pruner, for the county of Luzerne; Andrew Shiner, Philip Merlin and John Chamberlin, for the county of Columbia, or any three of them be and they are hereby appointed commissioners to do and perform the several things herein after mentioned, *that is to say,* they shall on or before the first Monday in May next procure a sufficient number of books, one or more of which shall be opened at some convenient place or places in the city and county of Philadelphia, also at New Hope and Doylestown in the county of Bucks, at Easton and Bethlehem in the county of Northampton, at Allentown in the county of Lehigh, at Berwick in the county of Columbia, and at Wilkesbarre in the county of Luzerne, and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay the president and managers of the Lehigh navigation com-

Commissioners named.

Books to be opened.

Form of subscription and

price of shares. pany the sum of fifty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company; in pursuance of an act of the general assembly of this commonwealth entitled, "An act to authorize the governor to incorporate a company to make a lock navigation on the river Lehigh." Witness our hands this day of in the year of our Lord one thousand eight hundred and " and shall thereupon give notice in at least two news-papers printed in the city of Philadelphia, one or more news-papers printed in Easton, Allentown, Doylestown, Danville and Wilkesbarre for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places one or more of the commissioners shall attend and permit and suffer all persons of lawful age, who shall offer to subscribe in the said books in their own name, or in the name of any other person who shall authorize the same, for any number of shares in the said stock, and said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of ten days, or until there shall be subscribed in the books in the city and county of Philadelphia eight hundred shares, in Doylestown two hundred shares, in New Hope two hundred shares, in the county of Northampton two hundred shares, in Allentown two hundred shares, in Wilkesbarre two hundred shares, and in Berwick two hundred shares; and if at the expiration of ten days, the books aforesaid shall not have the number of shares aforesaid or any of them therein subscribed, the said commissioners may adjourn from time to time and transfer the books elsewhere, until the whole number of two thousand shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of two thousand shares shall be subscribed in all the books, the same shall be closed: *provided always*, that every person offering to subscribe in the said books in his own or any other name, 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 expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as herein after mentioned.

SECT. II. *And be it further enacted by the authority aforesaid*, That when fifty persons or more shall have subscribed five hundred shares or more of the said stock, the commissioners may, or when the whole number of shares aforesaid shall be subscribed, the commissioners or a majority of them shall certify to the governor under their hands and seals the names of the subscribers

Notice to be given of the time of opening books.

How long kept open.

May adjourn and transfer books.

Proviso.

and the number of shares subscribed by each; whereupon the governor shall by letters patent under his hand and the seal of this commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The president, managers and company of the Lehigh navigation company;" and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their 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 to fulfil the intention of this act, and of purchasing, taking and holding to them, their successors and assigns in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do, in order to carry into execution the provisions of this act.

When 500 shares are subscribed letters patent may issue.

Style of corporation.

Powers and privileges.

SECT. III. *And be it further enacted by the authority aforesaid,* That the commissioners herein before named or a majority of them shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in all the public news-papers herein before mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, a treasurer and secretary and such other officers, as shall be deemed necessary to conduct the business of the said company, until the first Monday of May in the next year, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States, or of this state, and may be necessary for the well governing the affairs of the company.

Notice to be given of the time of organizing the company.

What officers to be chosen.

Make by-laws.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday in May in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days by the secretary in all the newspapers beforementioned, and choose by a majority of votes of those present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting, they shall have full power

Annual meeting of stockholders.

Power of making and altering laws.

and authority to make, alter or repeal by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act.

SECT. v. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met four shall be a quorum to do business, who in the absence of the president, may choose a chairman; and shall keep minutes of all their transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendants* and other artists and officers, as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, to ascertain the times when, and manner and proportions in which the stockholders shall pay the monies due on their respective shares, and to draw orders on the treasurer: *provided*, that such drafts or orders shall be signed by the president, or in his absence, by a majority of the quorum present, and generally to do all such other acts, matters and things, as by this act, and by their by laws, and regulations of the company, they are authorized to do.

Four to constitute a quorum.

Keep records and appoint superintendants, &c.

Provido.

Penalty on stockholders, for neglect.

Forfeiture of shares.

Suit may be brought.

Provido.

SECT. vi. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall in addition to the instalment so called for, pay at the rate of two per centum, per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought, before an alderman or justice of the peace, or in any court, having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; *provided always*, that no stockholder whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting, of the said company, on whose share or shares any instalment on arrearages may be due and payable, more than thirty days previously to the said election or meeting.

* "Superintend," in the original.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president, managers and company, their superintendants, surveyors, engineers, artists and workmen to enter upon the said river Lehigh, to open, enlarge or deepen the same, in any part or place thereof, which shall appear to them most convenient, for opening, changing, making anew or improving the channel, and also to cut, break, and remove, and take away all trees, rocks, stones, earth, gravel, sand or other materials, or any obstruction or impediment whatever, within the said river, or to use all such timber, rocks, stones, gravel, earth or other materials in the construction of their necessary works, and to form, make, erect and set up any dams, locks or any other device whatsoever, which they shall think most fit and convenient to make a complete slack water navigation from one end thereof to the other, as far as the same may be practicable, so as to admit a safe and easy passage for rafts, boats, arks and other vessels, up as well as down the said river, or by means of such collateral sluices and locks, as they may devise for the purpose.

Authorized to enter on river, &c.

SECT. VIII. *And whereas,* sluices or short canals will be necessary in some parts, *Be it enacted by the authority aforesaid,* That the said president, managers and company, shall have power and authority, by themselves or their superintendants, engineers, artists or workmen, to enter upon and occupy for the purpose, any lands which shall be necessary and suitable for the purposes of navigation, as contemplated by this act, therein to dig, construct, make and erect such sluices or canals, with their respective locks and necessary building, satisfying and paying the owner therefor. *But if the parties shall not agree upon the compensation to be made,* it shall and may be lawful for the court of common pleas of the proper county, on the application of the owner of the land, within one year after such entry hath been made, to appoint six disinterested freeholders, who being first sworn or affirmed, shall make a just and reasonable valuation, of the damages sustained, and make report thereof to the said court, and the said valuation being approved of by the court, shall be paid by the company: *provided always,* that if any person owning ground or other property which shall be affected by this act, be feme covert, under age, non compos mentis or out of the state, then, and in that case the said president, managers and company shall within one year thereafter represent the same to a neighbouring justice of the peace or to the court of common pleas of the county as the case may be, who shall proceed thereon in the same manner and to the same effect as is directed by this act in similar cases.

Enter on lands, &c.

Proceedings in case of disagreement as to damages.

Proviso, respecting feme coverts, minors, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the president and managers, by and with their superintendants, engineers, artists, workmen and labourers, with their tools, instruments, carts, waggons and other carriages and beasts

Right of entry on lands, &c.

of draft or burthen may enter upon the lands contiguous and near to the said river, giving notice to the owners or occupiers thereof and doing as little damages thereto as possible and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done to the improvements thereon and paying for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by any three disinterested freeholders under oath or affirmation to be appointed by consent of the parties or if they cannot agree, by any disinterested justice of the peace of the proper county.

Materials how to be valued.

Guard walls, &c. to be erected.

Proviso, as to extent of wall, &c.

May use the water power, &c.

And may lease the same.

Proviso.

Certificates of stock.

Stock transferable.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said president and managers shall cause the guard walls, locks, gate and canal to be erected and made at each respective situation before the dam intended for such situation; and the said president and managers shall cause the guard walls, locks, gate and canal to be made and erected at each respective situation prior to the erection of the dam, intended for such situation, and to which they are to be appurtenant: *provided,* that the said guard walls, locks, gates, and canal shall not be extended to more than one* third across the river.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall have the privilege and be entitled to use the water power from the sluices or canals, or from the river to propel such machinery as they may think proper to erect on such land adjoining the sluice or canal, which they may previously have purchased from the owner or owners; or they may sell, lease, or rent the said water power to any person or persons who may own lands adjoining any sluice or canal to be used in such manner and on such terms as they may think proper: *provided,* it be so done that it shall not at any time impede or interrupt the navigation, nor interfere with private property.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock, for all the shares of the said company, and shall deliver one such certificate signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, he paying five dollars for each share, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose; subject, however, to all payments due or 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 the transfer of stock, shall be a member of said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates

"On third," in the original.

and emoluments of the company incident to one share, and to vote as aforesaid at the meeting thereof, and subject to all the penalties and forfeitures, and of being sued for all the balance and penalty due, or to become due on each share, as the original subscribers would have been.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That as soon as the said president, managers and company, shall have perfected the navigation of the said river for the distance of ten miles, and also when they shall have completed any other section of five miles, they shall give notice thereof to the governor, who shall thereupon forthwith, nominate and appoint three disinterested persons to view and examine the part said to be completed, and report to him in writing, whether the said navigation is so far executed in a workman-like manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of this commonwealth, permit the said president, managers and company, to collect the following tolls from all boats or other craft, passing each and every of the said gates and locks: *That is to say,* For a boat or craft under five tons burthen, twenty cents, for every boat, ark, or craft above five tons burthen and under ten tons, thirty-five cents; and for every boat, ark or craft over ten tons burthen and not exceeding twenty, sixty cents; for every boat, raft or ark above twenty tons, seventy-five cents; and the president and managers, or their agents or toll-gatherers, shall have power to detain any boat or craft, or to seize and detain any part of the lading, until the said tolls shall have been paid: *Provided,* That the clear yearly income of the said company shall not exceed twenty per centum on the amount of their capital, and whenever it shall exceed that rate, the tolls shall be reduced at a regular ratio.

Ten miles being completed, commissioners to be appointed to view and report.

License to take toll.

Rate of tolls.

Proviso. For reducing the tolls.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commander of any boat, ark, raft or craft, navigating the said river, when they shall arrive within one fourth of a mile from any lock so erected, under the penalty of one dollar, to blow a horn or trumpet, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice, to let the said boat, ark or other vessel pass without unnecessary delay and in safety. And if any boat, ark, raft or other vessel shall be prevented from passing up or down any of said locks or sluices, by reason of the lock not being raised for more than twenty minutes, the president, managers and company, shall, on conviction thereof, before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of one dollar for every ten minutes beyond the said time that he shall be so prevented and in the same proportion for any longer or shorter time.

Horn or trumpet to be blown when approaching the locks.

Penalty on neglecting to open locks, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or

Penalty on neglecting to keep locks, &c. in repair.

refuse to keep in good order or repair, any dam, lock, or sluice of their own construction, or neglect to remove any obstacle which may occur, so that boats, arks, rafts or other vessels may at all times safely navigate the said river, the president, managers and company, shall, for each and every such offence, pay the sum of fifty dollars, to be recovered in the same manner as debt of equal amount are by law recoverable before a justice of the peace of the proper county, where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect may occur: *Provided*, That if at any time any of the slopes in the channel of the river, made for the purpose of rafts passing over any dam, should be out of order or repair, according to the provisions of this act, the keeper of any lock, shall suffer each and every raft with lumber, to pass through the same toll free.

Mode of recovery.

Proviso.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That if the land of any person or persons shall be inundated by swelling the water in consequence of the erecting of any dam or dams, or if any mill or other water-works shall be injured by swelling the water into the tail-race of any mill or other water works which may have been erected on said river or any stream of water emptying into said river, or by injuring any other property along the river aforesaid. And if the president, managers and company cannot agree with the owner or owners thereof on the compensation to be paid for such injury, the same proceedings shall be had as are provided in the eighth section of this act, the persons valuing the damages or the jury, as the case may be, shall also take into consideration the advantages which may be derived to such owner or owners, by the navigation aforesaid.

Mode of compensating for damages.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That rafts may not be prevented from passing down the said river, the dams or other sluices shall be so constructed that at least forty feet in width in the main channel, shall be fifteen inches lower than any other part of such dam, so as to contract the water passing the river within that space, and the same shall be made with an even surface, and with such a slope down the river, as not to form a greater angle with the base than six degrees: *And provided*, That the locks shall be in the clear at least twenty feet wide, and one hundred and twenty feet long.

Slopes to be made in the dams.

Proviso.

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate, canal, engine, machine or device thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she, or they, so offending, shall forfeit and pay to the said company fourfold the damages

Penalty for injuring the works.

by them sustained, together with costs, to be recovered by action of debt before a justice of the peace, or in any court of competent jurisdiction.

SECT. XIX. *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 said commissioners and from the subscribers to the said undertaking on account of the several subscriptions of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also of all monies by them expended in the prosecution of the said works, and shall, in every year, submit such accounts to the stockholders, at their annual meetings to choose the officers of the company, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation, or when the capital stock shall be nearly expended it shall be found that the said capital stock will be insufficient to complete the said navigation according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies for shares so subscribed in like manner, and under like penalties as are herein before provided for the original subscription, or as shall be provided by their by-laws.

Accounts to be kept and exhibited to the stockholders.

Shares of stock may be increased.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall also keep a just and true account of all the monies received by their several and respective collectors of tolls at the several and respective locks, and all the monies received for the use, rent or hire of the water power, and all other emoluments, and shall make and declare a dividend of the clear profits and income thereof among all the stockholders, all contingent costs and charges being first deducted, and shall, on the first Monday in May, and on the first Monday in November every year, publish the half yearly dividends made of the clear profit and the time when and where the same will be paid to the stockholders, and shall cause the same to be* paid accordingly.

Account of receipts of tolls to be kept, &c.

Dividends on the first Mondays in May and November.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years from the passing of this act, to begin at such place or places as shall be decided or fixed upon by a majority of the managers, and complete the same from the river Delaware to the Great falls at the Easton and Wilksbarre turnpike, within ten years from the date hereof; or if the said corporation shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, then, in any

Work, when to commence and when completed.

* "to paid" in the original.

or either of those cases, the legislature may at any time thereafter resume all and singular the rights, liberties, and franchises hereby granted to the said company.

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

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

APPROVED—the twenty-second day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CV.

An ACT regulating the proceedings of justices of the peace and aldermen in cases of trespass, trover and rent.

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 the justices of the peace of the several counties of this commonwealth and the aldermen of the city of Philadelphia shall have jurisdiction of actions of trover and conversion and of actions of trespass brought for the recovery of damages for injury done or committed on real and personal estate in all cases where the value of the property claimed or the damages alledged to have been sustained shall not exceed one hundred dollars.*

SECT. II. *And be it further enacted by the authority aforesaid, That it shall be the duty of the justice or alderman before whom any such suit or action is brought, if the demand does not exceed ten dollars to proceed to hear and determine as to him justice and right shall appear to belong, but if the demand in controversy should exceed that sum then on the request of either party or his or her agent, three reputable citizens shall be chosen by the parties or their agents as referees, or if they cannot agree or if only one party or his or her agent should appear, then the justice or alderman shall appoint the referees who shall be sworn or affirmed justly and truly to assess the damages alledged to have been sustained or the value of the property in dispute which they or a majority of them shall have power to assess; provided, that if both parties or their agents shall not prefer a reference, the justice or alderman shall proceed to hear and determine, and if the sum adjudged does not exceed five dollars and thirty-three cents, the same shall be final and conclusive, and each referee shall be entitled to receive one dollar for every day he shall have attended in each case: provided, that if the defendant shall before the trial of the action make oath or affirmation that the title to lands will come in question in the said action then the justice or alderman shall dismiss the same. And in case of such dismissal the costs shall be paid in equal shares by the plaintiff*

Jurisdiction of aldermen and justices of the peace extend.

May decide when suit is not for more than 10 dolls.

Above that sum, how referees are to be appointed.

To be sworn, &c.

Proviso, when reference is not asked.

Cause to be dismissed if title to land comes in question.

Costs how paid.