

Accounts to
be examined.

the said trustees shall lay before them, and shall allow such as to them shall appear just and reasonable, subject nevertheless, in case of disagreement between the trustees and company, to the arbitration of disinterested persons, to be mutually agreed on by the parties, but if the parties cannot agree in the choice of such arbitrators; they are to be nominated by the nearest justice of the peace (not interested) at the request of either party; and to make such rules, ordinances and by-laws for the regulation of the company as to them shall appear necessary: *Provided* such rules, ordinances and by-laws shall not be repugnant to the constitution and laws of this commonwealth.

Ditch to be
dug, &c.

be kept open
and in repair.

Proviso.

SECT. v. *And be it further enacted by the authority aforesaid,* That Charles Ellet, Samuel Crozer and Barclay Ivins, are hereby appointed the present trustees, who, and whose successors duly elected according to this act, shall attend to and have dug a sufficient main ditch through the main branches of the marsh or meadow aforesaid, so as to give all the fall the ground will admit of, and shall keep the same open, and likewise the bank and sluices at or near the river in good repair, and shall keep a regular account of the expenses thereof, which shall be apportioned among the members according to the quantity of land by them respectively held in said meadow, and until it shall be otherwise directed by the company, they shall call on each member to work out his, her or their portion of the expense aforesaid: *Provided*, That the nature of the work and the urgency of the case will admit, and should any member neglect or refuse to make payment, the said trustees shall have power to sue for and recover the same, and all other monies which shall become due to the company, as other debts of the same amount are recoverable; and cause a survey and valuation of the said marsh to be made when directed so to do by the company.

Term of the
act.

SECT. vi. *And be it further enacted by the authority aforesaid,* That this act shall continue in force for forty years from and after the passing thereof, and no longer.

JACOB HOLGATE, *Speaker*
of the *House of Representatives.*

JOHN TOD, *Speaker of the Senate.*

APPROVED—the fourth day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

CHAPTER LXII.

AN ACT to authorize the Governor to incorporate a company to make a lock navigation on the river Schuylkill.

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 Samuel Wetherill, junior, Jonathan Williams, Samuel Richards,^{Commissioners} Robert Kennedy and Josiah White, of the city of Philadelphia,^{named.} Conrad Carpenter, Francis Deal and Joseph Starne, of the county of Philadelphia, Levi Pawling, Matthias Holstine, Philip Hahn, Jesse Bean, Thomas Lowry, Andrew Tod, Joseph Potts, David Rutter and Amos Evans, of the county of Montgomery, Lewis Wernwag, Joshua Malin, Enoch Walker, John Rhinehart and John Heister, junior, of the county of Chester, Lewis Rees, John S. Heister, John Wiley, James May, Jacob K. Boyer, John Brewer, Matthias Brooke, Robert Scott, Abraham Bailey, Abraham Wolf, of the county of Berks, James M'Farland, John Pott, Daniel Graeff, George Dreibilbis and John Mallowny, of the county of Schuylkill, or any two of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, *that is to say,* Their duty.

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 Norristown and Pottstown in the county of Montgomery, at Reading and Hamburg in the county of Berks, and at Orwigsburg, in the county of Schuylkill, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Schuylkill Navigation 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 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 Schuylkill." 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 newspapers printed in the city of Philadelphia, one or more newspapers printed in Norristown, and one or more newspapers printed in the borough of Reading, for one calendar month at least, of the times and places when and where the said books shall be kept Books to be opened.

open to receive subscriptions for the stock of said company, at which respective times and places at least two 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 the name of any other person who shall authorize the same, for any number of shares in the said stock, and the 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 five thousand shares, in Norristown six hundred shares, at Pottstown four hundred shares, in Reading two thousand five hundred shares, in Hamburg five hundred shares, and in Orwigsburg one thousand 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 ten thousand shares shall be subscribed, of which ad-

Proviso.

jourment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of ten 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 incorporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned: *Provided*, That no person shall hold stock in the Schuylkill Navigation Company, nor shall said stock be transferable to any person who is not a citizen of the United States.

When letters patent shall issue.

Name of the company.

SECT. II. *And be it further enacted by the authority aforesaid*, That when one hundred persons or more, shall have subscribed two thousand 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 and the number of shares subscribed by each, whereupon the governor shall, by letters patent under his hand and the greater 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 Schuylkill 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 works, 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.

Of the organization of the company.

SECT. III. *And be it further enacted by the authority aforesaid*, That the seven persons first 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 newspapers 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, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, one president, twelve managers, a treasurer and secretary, and such other officers as shall be deemed necessary to conduct the business of the said company until the fourth Monday

in the next January, 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.

Who may
make by-laws

SECT. IV. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday in January in every year, at such place 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 before mentioned, 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 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: *Provided always,* That no person shall have more than ten votes at any election or in determining any question arising at any meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

Election of
officers.

Provisd.

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, five shall be 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, 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, manner and proportions in which the stockholders shall pay the monies due on their respective shares; to draw orders on the treasurer: *Provided,* That such drafts or orders 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.

Of a quorum,

and their
power.

Proviso.

SECT. VI. *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 the said corporation, and

Certificates
of stock,

transferable.

for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings 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.

Penalty for non-payment of instalments.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if after thirty day's 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,* That no stockholder, whether 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 or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proviso.

Division of the river, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall, in making their improvements, divide the river into two sections, the first whereof shall extend from Lancaster Schuylkill bridge to the borough of Reading, and the second from the borough of Reading to the mouth of Mill creek; and shall commence their improvements of the first section at or near to the lower falls, in the county of Philadelphia, and at the same time shall commence their improvements of the second section, at or near to the borough of Reading, and shall proceed upward in each section with the improvements, and it shall not be lawful for the said president, managers and company to demand, take or receive toll from any person for the passage of any boat or other craft through a lock or locks, in the first section, until a lock or locks be completed within the second section, and so to progress with similar improvements in each section, until both are finished: *Provided always,* That before the said improvements be commenced or undertaken, all the monies arising at all times from the sale, lease or rent of the water power on either of said sections, and all monies arising from the subscription of the stock of said company, shall from time to time as the same may be called in, immediately after the same is received, be equally divided by the said president and managers, and the one

Proceeds of water rights, how distributed.

half thereof shall be paid by them, within twenty days after each division, into the Farmers' Bank of Reading, to be applied to the completing of the improvements of the said river from the borough of Reading up to the mouth of Mill creek, in the county of Schuylkill aforesaid, and to no other purpose whatever, and to be subject only to the draft or orders of such managers as may have the directions of the improvements of that section of the river, from the said borough of Reading to the mouth of Mill creek, and the other half of said monies to be appropriated and applied to the completing of the improvements from the Lancaster Schuylkill Bridge to the borough of Reading.

SECT. IX. *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 Schuylkill, to open, enlarge or deepen the same in any part or place thereof, which shall appear to them most convenient for opening, changing, making a new or improving the channel, and also to cut, break and remove and take away all trees, rocks, stones, earth, gravel, sand or other material, or any obstruction or impediment whatsoever within the said river, or to use all such timber, rocks, stones, gravel, earth or other material, 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, so as to admit a safe and easy passage for loaded boats, arks and other vessels up as well as down said river, or by means of such collateral sluices and locks as they may devise for the purpose.

Company permitted to enter the river, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be injured by means of any dam or dams being erected as hereinafter mentioned, or the land of any person inundated by swelling of the water, in consequence of the erecting of any dam or dams, or any mill or other water works injured by swelling the water into the tail race of any mill or other water works, which may have been erected in said river, or any stream of water emptying into the same: 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 is provided in the eleventh section of this act; the persons valuing the damages being first sworn or affirmed, or the jury, as the case may be, shall take into consideration the advantages which may be derived to such owner or owners by the navigation aforesaid.

Damages—how ascertained.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall have power and authority, by themselves or their superintendants, engineers, artists and workmen, to enter in and upon and occupy for the purpose, all land which shall be necessary and suitable for erecting of a lock, sluice or canal, doing as little damage as possible, and then to dig, construct, make and erect such lock, sluice or canal, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall

Company permitted to enter upon lands, and compensate the owners for damages.

and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside within the proper county where the land lies, or if they cannot agree on such persons, then either of the parties may apply to the court of common pleas of the proper county where the land lies, and said court shall award a *venue* directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such lock, canal or sluice passing through his, her or their land; which report, being confirmed by the court, judgment shall be entered thereon and execution may issue in case of non-payment for the sum awarded, with reasonable costs, to be assessed by the court; and it shall be the duty of the jury or the six appraisers, as the case may be, in valuing any land, to take into consideration the advantage derived to the owner or owners of the premises, from the said navigation passing through the same: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person owning land or any 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 either of the cases, the president, managers and company shall, within one year thereafter, represent the same to a neighboring 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.

Proviso.

Proviso.

Company
may carry
away stones,
&c.

SECT. XII. *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 of draft or burden, may enter upon the lands contiguous and near to the said river, giving notice to the owners or occupiers thereof, and from thence to take and carry away any stone, gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they make in the inclosures thereof, and making amends for any damages that may be done 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 residing in the neighborhood, 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, allowing an appeal to the court of common pleas, as in the eleventh section of this act.

Extent of
dams.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the said president and managers shall cause the guard walls, locks, gates and canal to be erected and made at each respective situation, before the dam intended for such situation, and to which the same are to be appurtenant, shall be extended to more than one-third across the river.

SECT. XIV. *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 or persons into two parts, so as to require a ford or bridge to cross the same, the jury who shall enquire of the damages to be sustained in manner directed by the eleventh section of this act, shall find and ascertain whether a passage across the same shall be admitted or maintained by a ford or bridge, and on such finding, the said president, managers and company shall cause a ford to be rendered practicable, or a bridge fit for the passage of carts and waggons to be built, and for ever hereafter maintained and kept in repair, at all and every places so ascertained by the said jury, at the costs and charges of the said company; but nothing herein contained shall prevent any person from erecting and keeping in repair any foot or other bridge across the said canal, at his own expense, when the same shall pass through his ground: *Provided*, the same shall be of such height above the water, as shall be usual in the bridges erected by the company: *And provided also*, That such foot or other bridges, so to be erected by the owners of such land, shall not interfere with any of the locks, buildings or other works of the company.

When the canal crosses a public road, &c.

Proviso.

SECT. XV. *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 said river, sluices or canals, to propel such machinery as they may think proper to erect on the land which they may previously have purchased from the owner or owners, or may sell in fee simple, lease or rent for one or more years the said water power, to any person or persons, 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: and shall apply the monies arising from the sale of the water power to the improvement of the navigation, or repairing of any damages that the dams or locks may have sustained.

Machinery may be erected, &c.

Proviso.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company, shall have perfected one lock on each section of the said river, and so from time to time as they shall perfect one additional lock on each section of the said river, they shall give notice thereof to the governor, who shall thereupon nominate and appoint three disinterested persons to view and examine that part said to be completed, and report to him in writing, under oath or affirmation, whether the said navigation is so far executed in a masterly workmanlike manner, according to the true intent and meaning of this act, and if, at any time, their report shall be in the affirmative, then the governor shall, by license under his hand and the less seal of this commonwealth, permit the said president, managers and company, or such person or persons as they shall from time to time appoint as toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark or other vessel passing through any lock erected on said river or canal, twelve and an half cents at each lock below the borough of Reading, and eight cents above that borough, upon each and every ton of the ascertained burden of such vessel: *Provided*, That if at the expiration of two years after the said work shall be completed, the tolls,

Viewers to be appointed.

Proviso.

together with the interest of the surplus of any money arising from the sale of water power or the rents and profits thereof, should enable the company, after paying all repairs and other necessary expenses, to divide more than nine per centum per annum on the capital stock expended, then and in such case the tolls shall be so reduced that the dividends shall not exceed nine per cent. and shall so continue for five years; and if at the expiration of that time, shall exceed fifteen per cent. they shall be so reduced as not to exceed fifteen per cent. and shall at that period be so regulated from time to time as not to exceed fifteen per cent. per annum; and if at any time after the expiration of two years from the completion of the said work, the nett profits aforesaid, shall not amount to nine per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide nine per cent.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of arks, and the tonnage of boats using and passing the said canal and lock navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner, skipper or supercargo of such boat or ark, or of the collector of the said tolls at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skillful person to measure and ascertain the size of said arks, and the tonnage the said boat is capable of carrying, and to mark the said tonnage so ascertained, in figures upon the head and stern of the said boat, in colors mixed with oil or other durable matter, 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 per ton to which the number of tons so marked on her shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper or supercargo of any ark or boat shall decline choosing a person resident within two miles of the place where the said toll is 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 collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or ark shall be permitted to pass the place where such toll is made payable by the said president and managers: *Provided,* That the dams or other device shall be so constructed that at least thirty feet in width in the main channel, shall be twelve 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 a slope to extend down the river four feet for every foot the dam or dams shall be built in height: *Provided,* That the dams shall be at least fifteen feet in width, so as to admit a safe passage for waggons and other carriages over the same, and the same shall be kept in repair at the proper costs and charges of the president, managers and company, as a fording place for all persons desirous of passing over the same; and the locks directed to be made, shall be at least twenty feet wide and one hundred and twenty feet long; and at all dams where there is not made a slope convenient for the passage of rafts of timber, boards

Tonnage of each vessel to be marked thereon.

Proviso.

and scantling as aforesaid, such rafts of timber, boards or scantling, if they do not carry some article of merchandize, shall be permitted to pass the locks free from toll.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the said company shall not have power to issue any note 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. Company to have no banking powers.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the master or commander of any boat, ark or other vessel navigating the said river, when they shall arrive within one-fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, 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 or other vessel, shall be prevented from passing up or down any of the said locks or sluices, by reason of the lock not being raised, for more than thirty 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 thirty minutes beyond the said time, that he shall be so prevented, and in the same proportion for any longer or shorter time; and the service of any civil process upon the toll gatherer, in the proper county, and next to the place where the offence shall have been committed, shall be held as good and available in law as if served upon the president and managers of said company. Masters of boats to notice of their approach. Penalty for not raising the sluices, &c.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order or repair, any dam, lock or sluice of their own construction, or shall 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 every such offence, pay the sum of one hundred dollars, to be recovered in the same manner as debts of equal amount are by law made 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. Dams and locks to be kept in repair.

SECT. XXI. *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 double the damages 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. Penalty for injuring any of the works.

SECT. XXII. *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 meeting 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 receive and demand 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 liquidated.

Number of shares may be increased.

Accounts of collectors.

Dividends.

SECT. XXIII. *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, in the several and respective locks, and all the monies received for the 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 January and the first Monday in July, 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, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly, and shall once in every year from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature, under oath or affirmation of the president of the company.

Rights of other companies preserved.

SECT. XXIV. *And be it further enacted by the authority aforesaid,*
 That nothing in this act contained, shall at any time injure, destroy or any ways impair any exclusive right, privilege or legal claim which may have been granted, and which shall be legally vested in the President, Managers and Company of the Schuylkill and Susquehanna navigation; the President, Managers and Company of the Delaware and Schuylkill canal navigation: or the Union Canal companies, by any act or acts of assembly heretofore passed and remaining in force, but the same shall be valid and effectual as if this law had not been passed.

When the rights of said company shall revert to this commonwealth.

SECT. XXV. *And be it further enacted by the authority aforesaid,*
 That if the president, managers and company, shall not proceed to carry on said work within three years from the passing of this act, and shall not complete the navigation as aforesaid in fifteen years, according to the true intent and meaning of this act, then, and in

either of those cases, all and singular the rights, privileges, liberties and franchises hereby granted to said company shall revert to the commonwealth: *Provided always*, That in case of forfeiture, or of resumption by the legislature, of the rights, privileges, liberties and franchises hereby granted, nothing herein contained shall be construed to work a forfeiture of the rights of individuals to water power under grants made by the president, managers and company, but the same shall be held by such individuals in the full and ample manner they might do, if no such forfeiture or resumption had taken place, and in lieu of such forfeiture or resumption, the principal sum paid or secured to be paid when the conveyance has been in fee simple, and the accruing rents and profits when the said water power has been let for one or more years, shall be forfeited to the commonwealth: *And provided*, That in case of forfeiture by the company, the owner or owners of water powers, created by any dam erected by virtue of this act, shall be obliged to keep in perfect repair and good condition, any dam or dams, slope or slopes, lock or locks connected with such water power, under and subject to the same conditions and penalties as the company originally were, and shall have a right to charge and receive the like tolls as the said company are authorized to receive by this act, and in case the owner or owners of such water power, shall neglect or refuse to keep such dam or dams, slope or slopes, lock or locks as aforesaid, in good order and repair, fit for the passage of boats, arks and rafts, as the case may be, the legislature may resume all the rights, privileges, liberties and franchises granted by this act.

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

JACOB HOLGATE, *Speaker*
of the *House of Representatives*.

JOHN TOD, *Speaker of the Senate*.

APPROVED—the eighth day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

CHAPTER LXIII.

An ACT to enable the Governor to incorporate a company for manufacturing hemp, flax, wool and cotton, at or near Milford, in the county of Pike.

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 Brodhead, Daniel W. Dingman, James Wallace, Dan. Dimmick, James Barton, John Cross, Edward Mott, junior, Thomas

Commissioners named.