

## CHAPTER CXLVII.

## AN ACT

To authorise the Governor to incorporate a company to make a lock navigation on the west branch of 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 Samuel Wetherill, junior, John K. Helmuth, Abraham Barker, Jacob Holgate, James Ash, George W. Morgan and Charles Graff, of the city and county of Philadelphia, George D. B. Keim, Jacob K. Boyer, Curtis Lewis, William Witman, John M. Knight and George Boon of the county of Berks, Charles Snowden, Daniel Graeff, Philip Frailey, George Rausch and Abraham Reifschneider of the county of Schuylkill, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, They shall on or before the second Monday in June 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 Reading 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 West Branch Navigation company the sum of twenty-five 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 the act of the General Assembly of this commonwealth, entitled "An act to authorise the Governor to incorporate a company to make a lock navigation on the west branch of 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 the borough of Reading 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 at least two of the commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in 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 three hours in every juridical day for thy space of five days, or until there shall be sub-

Commissioners named.

Books to be opened.

Engagement of subscribers.

Notice to be given.

Subscriptions to be taken.

How long books shall be kept open

Adjourn-  
ment.

Proviso.

§ 5 a share  
payable on  
subscribing.

When letters  
patent may  
issue.

Name & title.

Powers and  
privileges.

scribed in the books in the city and county of Philadelphia, in Reading, and in Orwigsburg five hundred shares, and if at 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 five hundred 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 five hundred 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 organised and the officers chosen as hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when thirty 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 three first named commissioners in each district, 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 great seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall afterwards 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 West Branch 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 said 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 enlargements 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 estates 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.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the three persons first named in each district or a

majority of them, shall as soon as conveniently may be after Proceeding  
 the said letters patent shall be obtained, give at least twenty to organise  
 days notice in all public newspapers herein before mentioned the company.  
 of the time and place by them appointed for the subscribers  
 to meet in order to organise the said company, and choose by  
 a majority of votes of the said subscribers by ballot to be de-  
 livered in person or by proxy duly authorised, which proxy  
 shall have been obtained and bear date within three months  
 previously to the election at which such proxy shall be pre- Election of  
 sented, one president, twelve managers, a treasurer and officers  
 secretary, and such other officers as shall be necessary to con-  
 duct the business of the said company until the second Mon-  
 day in January next, and until like officers shall be chosen,  
 and may make such by-laws, rules, orders and regulations as By-laws  
 do not contravene the constitution and laws of the United  
 States or of this state, as may be necessary for the well gov-  
 erning the affairs of the company.

SECT. 4. *And be it further enacted by the authority afore-  
 said,* That the stockholders shall meet on the second Monday Time and  
 in January in every year at such place as may be fixed upon place of  
 by the by-laws, of which notice shall be given at least twenty meeting of  
 days by the secretary in all the newspapers before mentioned, the stock-  
 and choose by a majority of votes of those present their offi- holders.  
 cers for the ensuing year as mentioned in the third section of  
 this act, who shall continue in office for one year, and until Continuan-  
 others are chosen, and at such other times as they shall be ce of  
 summoned by the managers, in such manner and form as officers.  
 shall be prescribed by the by-laws; at which annual or special Repeal, &c.  
 meeting they shall have full power and authority to make, of hy-laws.  
 alter or repeal by a majority of votes in manner aforesaid,  
 all such by-laws, rules, orders and regulations made as afore-  
 said, and to do and perform any other corporate act: *Provi-  
 ded always,* That no person shall have more than ten votes Proviso, as  
 at any election or in determining any question at any meet- to voting.  
 ing whatever number of shares he may be entitled to; and  
 that each person shall be entitled to one vote for every five  
 shares by him held.

SECT. 5. *And be it further enacted by the authority afore-  
 said,* That the said president and managers shall meet at Meetings of  
 such times and places as shall be found most convenient for company.  
 the transacting of their business, and when met five shall be Quorum.  
 a quorum, who in the absence of the president may choose a  
 chairman, and shall keep minutes of all their transactions Minutes to  
 fairly entered in a book, and a quorum being formed, they be kept.  
 shall have full power and authority to appoint all such sur-  
 veyors, engineers, superintendants, and other artists and offi- Power to ap-  
 cers, as they shall deem necessary to carry on their intend- point survey-  
 ed works, and to fix their salaries and wages; to ascertain ors, &c.  
 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 or-

**Proviso.** ders 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 authorised to do.

**Certificates of stock to be delivered.** **Sect. 6.** *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 transferrable at his pleasure in person or by attorney duly authorised; 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 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, 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.

**How transferable.** **Sect. 7.** *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 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,*

**Penalty for not paying up instalments.** 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

**When shares may be forfeited or suit be brought.**

**Proviso restricting the right to vote.**

any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECT. 8. *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 west branch of 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 the mouth of said west branch of Schuylkill, at its intersection or junction with the east branch, on the farm of Daniel Dreibelbis, situate on the centre turnpike, about five miles from the town of Orwigsburg, in the county of Schuylkill, and extending their improvement up the said west branch as far as they think advisable and proper, and creating a safe and easy passage for loaded boats, arks and other vessels up as well as down said west branch, or by means of such sluices and locks as they may devise for the purpose, with the privilege and right to unite and connect this improvement at the said junction of the two branches with that already formed or forming by the Schuylkill navigation company.

Power to enter on the river, enlarge the same and remove obstructions, &c

And set up dams and locks.

And make a slack water navigation.

SECT. 9. *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 lands of any person inundated by swelling of the water, in consequence of the erecting 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 tenth 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.

Compensation to persons injured.

SECT. 10. *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 lands which shall be neces-

Power to occupy land and erect locks, sluices, &c.

Mode of as-  
certaining  
the value of  
any damage  
done.

sary and suitable for erecting of a lock sluice or canal, doing as little damages 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 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 county of Schuylkill, 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 said county, and the court shall award a venire, 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 said 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 effected 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.

Duty of appraisers.

Proviso, appeal reserved

Proviso in cases of legal disability.

SECT. 11. *And be it further enacted by the authority aforesaid*,

Power to enter on lands contiguous.

That the president and managers, by and with their superintendants, engineers, artists, workmen and laborers, 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 west branch, 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

Amount of damage how ascertained.

county, allowing an appeal, to the court of common pleas, as in the tenth section of this act

SECT. 12. *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 no more than one third across the said west branch of the Schuylkill.

Guard walls, locks, &c. how to be erected.

SECT. 13. *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 water power from the said west branch, 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: *Provided neverthe less,* That if any saw-mills or other water-works now erected on said west branch of Schuylkill, shall be destroyed in consequence of the improvements erected by virtue of this act, the owner or owners of such saw-mills or other water-works so destroyed, may erect such other water-works on said west branch, on his or her own land, as he or she may see proper, without paying unto the president, managers and company for the use of the water, in as full and ample a manner as if this act had not been passed.

Water power regulated.

Proviso. Monies therefrom proceeding how applied. 2d proviso, as to owners of saw mills, &c.

SECT. 14. *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 the said west branch of Schuylkill, and so from time to time, as they shall perfect one or more locks on the said west branch, 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 license, under his hand and the less seal of this commonwealth, and 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 west branch or canal, eight cents at each lock.

When viewers may be appointed and license issued.

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 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 dividend shall not exceed nine per cent, and shall so continue for five years. And if at the expiration of that time, they shall exceed fifteen per cent, they 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.

Proviso.  
When tolls  
may be re-  
duced.

When they  
may be raised

Mode of as-  
certaining &  
marking the  
size of rafts  
and tonnage  
of boats.

SECT. 15. *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 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 skilful person to measure and ascertain the size of said arks and the tonnage the 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 colours 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. and the locks directed to be made not less

Proviso as to  
the construc-  
tion of the  
dams, &c.



than seventeen feet in width, nor less than eighty feet in length. And at all dams where there is not made a slope convenient for the passage of rafts of timber, boards and scantling as aforesaid, such rafts of timber, boards or scantling, if they do not carry some article of merchandise, shall be permitted to pass the locks free from toll.

SECT. 16. *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 tenth 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 for the passage of carts and waggons to be built, the costs of such finding which may accrue on process issued, to be paid by the president and managers of said company, and such ford or bridge shall thereafter be maintained and kept in repair at all and every such places so ascertained by the said jury, at the costs and charges of said company; but nothing herein contained shall prevent any person from erecting and keeping in repair any foot or other bridge across said channel, at his or her own expense, when the same shall pass through his or her 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.

Fords or bridges over the canal in a road or highway how regulated and made.

And kept in repair.

Proviso.

2d proviso.

SECT. 17. *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 endorsed on any note or notes in their corporate capacity, or to make discounts or to 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.

Banking prohibited.

SECT. 18. *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 west branch of the 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

Duty of master, &c. to blow a trumpet.

Penalty. Duty of keeper of lock.

Penalty for not raising the lock.

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 Schuylkill county, and near 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.

Service of process on the toll gatherer made good.

SECT. 19. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in 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 west branch, 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 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 where the neglect may occur.

Penalty for not keeping locks, &c. in order and removing obstacles.

SECT. 20. *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, channel, 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 impeding navigation, injuring locks, &c.

SECT. 21. *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

Accounts to be kept of monies received.

And submitted to the stockholders.

When the shares may be increased.

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 shall be provided by their by-laws.

SECT. 22. *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 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 in 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.

Accounts to be kept of monies received by collectors.

Dividends to be made.

And published.

Abstract to be laid before the legislature.

SECT. 23. *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 two years from the passing of this act, and shall not complete the navigation as aforesaid in seven 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:

Time limited for proceeding in and completing the work.

*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 had 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

Proviso.

2d proviso.

the company originally were; and shall have a right to charge and receive the like tolls as the said company are authorised 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. 24.** *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 company.

Power to resume the charter reserved.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

## CHAPTER CXLVIII.

### *AN ACT*

Authorising the Directors of the Poor of the county of Chester to appoint a Clerk.

**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 directors of the poor in and for the county of Chester, be, and they are hereby authorised and empowered annually to appoint a clerk, at such salary as they may deem proper, any law to the contrary in any wise notwithstanding.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.