

Compensation of building committee.

accommodation of the poor in the said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses; and also to pay to each of the said directors, such sum of money as, together with the annual sum allowed them by this act, in the opinion of the commissioners, shall be a reasonable compensation for their services during the term they are employed in erecting the building aforesaid.

Power of directors to administer oaths, &c.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said directors for the time being and their successors in office, are hereby authorised and empowered to administer the necessary oaths or affirmations to paupers or other persons in the examination, after the place of the last legal settlement of a pauper, and to issue the necessary orders for removal.

Repealing clause.

SECT. 17. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth, relating to the poor, as are by this act altered or supplied, be and the same is hereby repealed, so far as they affect the county of Schuylkill.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

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No. 195.

AN ACT

To authorise the Governor to incorporate a company, to make a canal navigation round the western abutment of the permanent bridge, over the river Schuylkill, at the city of Philadelphia.

Commissioners appointed to open books.

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 George N. Baker, W. G. Alexander, John Snyder, B. Augustus Stevenson, M. E. Israel, Joseph A. Clay, George F. Goodman, Jacob Souder, Michael Baker, Henry Leech, John Naglee, David Hoopes, Joseph L. Thomas, Joseph B. Haines, William M'Glincy, Joseph B. Mitchell, Robert C. Martin, James M'Cormack, John Waters, John Crean, George Emerick, or a majority of them, 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 first Monday of May next, procure books, one or more of which shall be opened at some convenient place or places, in the city or county of Philadelphia, in which the following entries shall be made: "We, whose names are hereunto subscribed, do promise to pay, to the West Philadelphia canal company, 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 said company, in pursuance of an act to authorise the Governor to incorporate a company to make a canal navigation round the western abutment of the permanent bridge, over the river Schuylkill, at the city of Philadelphia. Witness our hands, this      day of      , A. D. eighteen hundred and      ;" and shall thereupon give notice, in at least two newspapers printed in the city of Philadelphia, for two weeks, of the times and place or places, when and where the said books are to be opened, to receive subscriptions for the stock of said company, at which respective times, and place or places, at least two of the said commissioners shall attend, and permit 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 authorise the same, for any number of shares in the said stock; and the said books shall be kept open, for the purpose aforesaid, for at least four hours in every juridical day, for the space of three days, or until there shall be subscribed four hundred shares; and if, at the expiration of said three days, there shall not be subscribed upon the books aforesaid the number of shares aforesaid, the said commissioners may adjourn, from time to time, and transfer the said books elsewhere, until the whole number of four hundred shares shall be subscribed; of which adjournment and transfer, the commissioners shall give such notice as the occasion may require; and when the whole number of four hundred shares shall be subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other person's name, shall previously pay to the attending commissioners the sum of five dollars on each 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 hereinafter mentioned.

Form of sub-  
scription.  
\$50 per share.

Notice.

Who may  
subscribe.

Whole No.  
400 shares.

Proviso.  
\$5 to be paid  
on each share  
upon sub-  
scription.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when the said four hundred shares shall have been subscribed by ten or more persons, and the sum of five dollars

When stock is taken by 10 persons and wardens of the port certify, Governor may incorporate.

Style and title.

Privileges and liabilities

First election

Officers pro tem.

By-laws, &c.

Annual election.

paid on each share, and a certificate had from the wardens of the port of Philadelphia. they, the said wardens, having first examined and enquired into the nature of the contemplated improvement, that such canal or improvement will not, in their opinion, tend to impede the navigation of the river Schuylkill, south of the permanent bridge, by the formation of a bar or bars, in said river, 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, and produce evidence that the certificate of said wardens has been given as aforesaid; whereupon the Governor shall, by letters patent, under the greater seal of the commonwealth, create and constitute the subscribers into a body politic and corporate, by the name, style and title, of the "West Philadelphia canal 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, by new subscriptions, in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intention and purposes of this act; and of purchasing, taking and holding, to them, their successors and assigns, in fee, or for any less estate, such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their business as a canal company; and of suing and being sued, and doing other matters and things which a body politic and corporate may lawfully do.

*SECT. 3. And be it further enacted by the authority aforesaid,* That the commissioners hereinbefore named, or a majority of them, shall, as soon as conveniently may be, after the said letters patent have been obtained, give at least ten days notice, in the newspapers hereinafter mentioned, of a 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 subscribers, given in person or by proxy, duly authorised, one president, five managers, and a treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday of May next, ensuing, and until like officers shall be chosen; and may make then, or at any subsequent meeting, such by-laws, rules, orders and regulations, as do not contravene the constitutions and laws of the United States, or of this state, as may be necessary for the well governing of the affairs of the said company.

*SECT. 4. And be it further enacted by the authority aforesaid,* That the stockholders shall meet annually, on the second Monday of May of each year, at such place as may be fixed upon by the board of managers, of which at least

ten days notice shall be given by the treasurer, in the newspapers before mentioned, and choose, by the votes of a majority of those present, in person or by proxy, as aforesaid, the officers 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 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 all and any other corporate act or acts: *Provided always*, That no one person shall be entitled to more than ten shares at any election or meeting, whatever number of shares he may hold; and that each person shall be entitled to one vote for each share held by him or her, not exceeding that number.

Special meet-ings.

Proviso.

One vote each share up to 10

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said president and managers shall meet at such times as shall be found by them most convenient; and when met, three shall form a quorum, who, in the absence of the president, shall choose a chairman, and keep minutes of all their proceedings fairly entered in a book; and a quorum being formed, shall have full power to appoint surveyors, engineers, superintendents, and all other artists and officers necessary to carry on their intended works; to fix their salaries and wages; to ascertain the times, manner, and proportions, in which the stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer, provided such 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 the regulations of the company, they are authorised to do.

General powers of president and managers.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the president and managers shall, as soon as is convenient, procure certificates or evidences of stock, for all the shares of the said company; and shall deliver one such certificate, signed by the president, countersigned by the treasurer and sealed with the corporate seal of the said company, to each person, for every share of stock by him subscribed or 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 authorised, in the presence of the president or treasurer, who 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 the books of the company, kept for the transfers of stock, shall be a member of said corporation; and for every certi-

Certificates of stock.

Transferable.

Rights of assignees.

ificate assigned to him as aforesaid, shall be entitled to one share of said capital stock, and of all the estates, emoluments and dividends of the said company, incident to one share; and to vote as aforesaid at the meetings thereof, and be subject to all penalties and forfeitures, and to be sued for all balances and penalties due on such share, as the original subscribers would have been.

Penalty on failure to pay instalments.

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 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.

Forfeiture of shares, &c.

Proviso. Delinquents not to vote.

Right to occupy ground requisite for canal.

Arrangement for ascertaining damages.

Appointment of viewers, &c.

SECT. 8. *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 superintendents, engineers, artists and workmen, to enter in and upon and occupy for the purpose, all the land which shall be necessary and suitable for constructing said canal, doing as little damage as possible, and then to dig, construct, make and erect such 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 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 county of Philadelphia, and said 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 canal 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 cost, 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 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 neighbouring justice of the peace or to the court of common pleas of the said 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.*  
Appeal from  
decision.

*2d proviso.*  
Proceeding  
where owners  
cannot be  
found.

SEC. 9. *And be it further enacted by the authority aforesaid*, That the president and managers, their superintendents, engineers, artists, workmen and labourers with their tools, instruments, carts, wagons and other carriages and beasts of burden or draft, may enter upon the lands contiguous to the route of the said canal, giving notice to the owners thereof, and from thence take and carry away any stone, gravel, sand or earth, doing as little damage as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away; the amount thereof, if the parties do not agree, to be assessed and valued by any three disinterested freeholders of the said county, under oath or affirmation, to be appointed by consent of parties; or if they cannot agree, by the court of common pleas of the said county, upon petition, from whose decision an appeal may be entered as in the eighth section of this act.

Right to enter  
upon conti-  
guous lands  
for materials.

Damages,  
how valued.

SEC. 10. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company shall have perfected the said canal or navigation, they shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons, to view and examine the same, and report to him in writing, under oath or affirmation, whether the said navigation is executed

On comple-  
tion of work,  
Governor to  
appoint view-  
ers.

License to  
take toll.

Proviso.  
Graduation of  
tolls so as to  
produce 6 per  
cent on capi-  
tal.

in a masterly workmanlike 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 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 toll of and from the persons having the charge of any boat, ark or other vessel passing through said canal: *Provided*, That if at the expiration of two years after the said work shall be completed, the tolls should enable the company after paying all repairs and other necessary expenses, to divide more than six 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 six per cent. and shall so continue for five years; and if at the expiration of that time, they shall exceed six per cent. they shall be so reduced as not to exceed six per cent, and shall at that period be so regulated from time to time as not to exceed six 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 six per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide six per cent.

Collection of  
toll authori-  
sed.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the toll collectors appointed as aforesaid, shall and they are hereby authorised not to permit the passage of any boat or vessel through the said canal, until the tolls fixed by the company are first paid and discharged by the owner, skipper or supercargo, or may bring suit for the same against said owner, skipper or supercargo, before any competent tribunal, according to law, in the name of the said company.

Annual state-  
ment of offi-  
cers to stock-  
holders.

SECT. 12. *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 moneys 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 moneys 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 moneys for shares so subscribed in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided by their by-laws.

Increase of capital stock.

SECT. 13. *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 moneys received by their several and respective collectors of tolls, and 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 second Monday in November, and the second Monday in May, 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 three years, from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature.

Semi-annual declaration of dividends.

Triennial abstract to legislature.

SECT. 14. *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 five 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 of commencement and completion.

SECT. 15. *And be it further enacted by the authority aforesaid,* That before the said company shall commence the construction of said canal, they shall cause an accurate plan thereof to be made, which said plan shall be submitted to an engineer or engineers, to be named and appointed by the canal commissioners of the state of Pennsylvania, who, at the expense of the said company, shall resurvey, and particularly examine the same, and shall certify whether the execution thereof, according to the said plan, will or will not injure the safety or solidity of the said permanent bridge, and if in his or their opinion, it will so injure the said permanent bridge, then he or they shall cause such alterations to be made therein, as will prevent any such injury to the said bridge, and having made such alterations, if necessary, shall certify the said plan, both to the company hereby created, and to the said commissioners, and the work shall then be executed according to such plan, so certified as aforesaid; and if any alterations should afterwards be found necessary, the said alterations shall be submitted to an engineer or engineers, ap-

Plan of canal to be submitted to state engineers, prior to commencement.

Alterations of plan.

pointed as aforesaid, who shall certify that the same will occasion no injury to the said bridge, in manner aforesaid.

**SEC. 16.** *And be it further enacted by the authority aforesaid,* That the said company may demand, and take such securities from their officers and agents, and in such sums as may be fixed by the by-laws, for the faithful discharge of their respective duties.

**SEC. 17.** *And be it further enacted by the authority aforesaid,* That the said canal company, shall not engage, directly or indirectly, in any banking, monied, commercial or manufacturing concern, or in the transportation or storage, of any merchandize, lumber, coal, grain, flour, or other articles, nor shall they erect, hold or own any other lands, buildings, wharves or docks, than such as are necessary for their business as a canal company.

**SEC. 18.** *And be it further enacted by the authority aforesaid,* That in constructing and forming the said canal, or any of the appurtenances thereto, the same shall not be located nor placed upon any part of the property now held or owned by the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, nor shall any part of the same be taken, nor in many manner be used, for the purpose of the said canal company.

**SEC. 19.** *And be it further enacted by the authority aforesaid,* That in laying out, and making the said canal across the Lancaster turnpike road, the eastern line or bank of the canal, shall be kept at the distance of forty feet, at least, west, of the western extremities of the parapet or wing walls of the said permanent bridge, as now erected, and none of the works, machinery or devices, appertaining to the said canal, shall approach or be constructed nearer to the said parapet or wing walls, than the said distance of forty feet.

**SEC. 20.** *And be it further enacted by the authority aforesaid,* That during the time the said canal company may be employed in surveying, laying out and constructing the said canal, the passage to and from the said permanent bridge shall not be interrupted by the said canal company, their agents or servants and in case the said canal company, their agents or servants shall cause such interruption, then the said canal company shall forfeit and pay to the said, "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," for every such offence the sum of one hundred and fifty dollars.

**SEC. 21.** *And be it further enacted by the authority aforesaid,* That the said canal company shall, at their own expense, build, at suitable distances across the said canal, and maintain forever in good repair, two bridges, each to be at least twenty-five feet wide, with railing on each side thereof, with two carriage ways, with proper curbs, and with

Securities of officers.

Company not to engage in banking, &c.

Not to interfere with property of bridge company.

Distance from walls of bridge.

Penalty for obstructing crossing of bridge, \$150.

Company to erect and keep in repair two bridges.

a foot way at least five feet wide, railed off for the commodious passage of foot passengers, so as to afford at all times an easy and safe passage for carriages, as well as foot passengers, horses, horned cattle, sheep and swine, to and from the said permanent bridge; one of which said bridges shall always be kept down; and the said canal company shall also, at their own expense, erect and keep in good repair, good and sufficient railings on each side of the said canal, between the said bridges so to be built by them; and shall also provide good and sufficient gates, to be closed over the space occupied by the said bridges, when such bridges shall be removed, for the passage of boats, vessels, or other craft, through the said canal; and if, at any time, either or both the said bridges, or the railings thereof, or the railings on the side of the canal between the same, or the gates opposite to the said bridges, shall not be in good repair, or if one of the said bridges shall not be at all times down as aforesaid, then the said canal company, for each and every such neglect or offence, shall forfeit and pay to the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," the sum of five hundred dollars.

One always to be kept down.

Gates, railings, &c.

Penalty on neglect \$500.

SECT. 22. *And be it further enacted by the authority aforesaid,* That in case the passage across the said bridges, so to be erected, or either of them, shall be interrupted from accident or other causes, then, and in every such case, the said canal company shall indemnify the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," for all losses thereby sustained; and the damages to be paid for the same, shall be ascertained by the average daily receipts of tolls, from the said permanent bridge, for the year preceding such interruption, which average amount shall be paid for all the time such interruption shall continue.

Company to pay damages for accidental interruption to crossing of permanent bridge.

SECT. 23. *And be it further enacted by the authority aforesaid,* That no boat, vessel, or other craft, shall be permitted to pass through the said canal, when there are any horses, carriages, or other vehicles passing to or from the said permanent bridge, within sixty feet of the said bridges, so to be erected by the said canal company; nor shall any boat, vessel, or other craft, be allowed to lay in the said canal, nor after dusk, nor before day light, be permitted to pass through the said canal; and for each and every violation of any of the provisions of this section, the said canal company shall forfeit and pay to the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," the sum of one hundred and fifty dollars.

No craft to pass canal whilst horses, &c are near bridges, &c.

Penalty \$150.

SECT. 24. *And be it further enacted by the authority aforesaid,* That all fines, penalties, forfeitures and payments,

Recovery of  
fines, forfei-  
tures, &c.

imposed on the said canal company, for the use of the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," by the provisions of this act, may be recovered by the said president, directors and company aforesaid, by action of debt, brought by them in any tribunal of competent jurisdiction in this commonwealth.

Extinguish-  
ment of fire  
on board of  
vessels pas-  
sing canal.

SECT. 25. *And be it further enacted by the authority aforesaid,* That previous to any boat, vessel, or other craft, entering the canal from either end thereof, the owner or skipper, or supercargo, shall extinguish or cover all fire on the deck of such boat, vessel, or other craft; and it shall be the duty of the gate keeper to inform himself that all such fire has been actually extinguished or covered; and for every neglect of the skipper, or owner or such boat, vessel, or other craft, to extinguish or cover such fire as aforesaid, or of the gate keeper to ascertain that the same has been so done, such skipper or owner, and gate keeper, respectively, shall be subject to a fine of five dollars, to be recovered, with costs, as debts under one hundred dollars are by law recoverable, by any person who shall sue for the same, one half to the use of the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," and the other half to the use of the plaintiff; and the neglect or infringement of the duties imposed on the gate keeper by this section, three times, within any one period of six months, shall incapacitate him from retaining his situation as gate keeper, and of ever after holding any appointment or office under the said canal company.

Penalty on  
neglect.  
How recover-  
ed and appro-  
priated.

Removal of  
gate keeper.

Duty of gate  
keeper rela-  
tive to furling  
the sails of  
vessels pass-  
ing canal, &c.

SECT. 26. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the gate keeper to direct the skipper, or owner of every such boat, vessel, or other craft, previous to such boat, vessel, or other craft entering the canal, at either end thereof, to have all the sails of such boat, vessel, or other craft, closely furled or hauled down, and securely fastened, and the flag or flags struck, (and if a square rigged vessel, the yards topped) and the main and other booms of every such boat, vessel, or other craft crotched, and not to allow any thing in or about such boat, vessel, or other craft, that may frighten horses, cattle, sheep or swine, passing either bridge, to appear nor to be heard; and also to keep closed, the gate opposite to the bridge, that may be removed for the passage of any boat, vessel, or other craft, during the time such removal may continue; and for every neglect or omission to perform any of the duties prescribed by this section, the said gate keeper shall be subject to a fine of five dollars, to be recovered in the manner and to the uses mentioned in the twenty-fifth section of this act.

Penalty on  
neglect &c.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the said canal company shall, before commencing the construction of the said canal, give bond, with surety, to the satisfaction of the president of the court of common pleas, of the county of Philadelphia, in the sum of ten thousand dollars, conditioned that the said permanent bridge company, shall not suffer or sustain any loss or damage, by the said canal being abandoned, or not being completed within the time limited by law, which said sum or such part thereof, as may be deemed necessary by a competent engineer, to be appointed by the board of canal commissioners, is upon such abandonment of the said work or non-completion of the same, within the said period, to be applied to make the western access to the said permanent bridge as easy and as safe as it is at present, and to guard the bridge from any damage that may be in any way occasioned by the works, so commenced and abandoned, or not completed as aforesaid.

Canal company to give bond in \$10,000 to indemnify bridge company in case of abandonment.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the legislature reserve the right, in the event of the said canal company violating any of the provisions of this act, or of the privileges hereby granted to the said company being found injurious to the public, to revoke, alter or amend the charter hereby granted, at any time they may think proper.

Reservation of right to repeal.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 196.

## AN ACT

To alter an act entitled "An act to erect the town of Pottsville, in the county of Schuylkill, into a borough; and supplementary to the act incorporating the borough of Lewistown," passed the nineteenth day of February, A. D. one thousand eight hundred and twenty-eight; and also to alter an act, entitled "An act authorising the election of a constable, in the borough of Pottsville, and for other purposes," passed the twenty-third day of March, A. D. one thousand eight hundred and twenty-nine.

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 town of Pottsville shall be, and the same is hereby erected into a borough, under the name and title of the Name.