

eight hundred and thirty-six, conveyed to the directors of the poor and of the house of employment of the county of York, and that after the sale is made by the said directors of the poor and of the house of employment of the county of York, that the said directors are hereby directed to expend the proceeds of the said sale in payment of any debts due by the said directors of the poor and of the house of employment of the county of York.

SECTION 2. That David M. Fort and Glorvina his wife, Adm^r. of late Glorvina Mullowny, administratrix with the will annexed, of the estate of John Mullowny, late of the county of Montgomery, deceased, be and they are hereby authorized to sell at public sale, due and timely notice of the time and place being first given in one newspaper in Montgomery county, and in one paper in the city of Philadelphia, all those certain four lots of ground situate in the city of Philadelphia, north side of Locust street, and extending therefrom about ninety-eight feet, to the court commonly called Mullowny Court, east eighteen feet front, as mentioned and described in the will of the said deceased, and to make good and sufficient deeds to the purchasers for the same: *Provided*, That the sales to be made in pursuance of this act, shall be reported to and approved by the Orphans' Court of Montgomery county: *And provided further*, That the said David M. Fort and Glorvina his wife, shall enter into bond or recognizance, with such security as the said Orphans' Court shall direct, for the faithful discharge of their duty, and the proper application of the money arising from the said sales.

J. Mullowny
authorized to
sell certain
real estate.

Proviso

2d Proviso.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

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No. 16.

An Act

Authorizing the construction of a Canal through Windmill Island, and the improvement of the navigation of the Delaware river.

SECTION 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 it shall be lawful for the Camden and Philadelphia Steamboat Ferry company, and the said Steamboat Ferry Co. authorized to improve the navigation between Penn'a. and N. Jersey. Proviso.

Camden and Philadelphia Steamboat Ferry Co. authorized to improve the navigation between Penn'a. and N. Jersey. Proviso.

That it shall be lawful for the Camden and Philadelphia Steamboat Ferry company, and the said Steamboat Ferry Co. authorized to improve the navigation between Penn'a. and N. Jersey. Proviso.

the navigation between the states of Pennsylvania and New Jersey, by cutting through the island in the Delaware river, opposite the city of Philadelphia, and constructing a passage for the navigation of steamboats and vessels, of such dimensions and draught of water as the said company shall deem most beneficial to the interests of the people of the said states: *Provided,* the said company shall not take exceeding six hundred feet in width of marsh or flats of the said island, for the purpose of constructing the said passage, and shall construct the same opposite the ferry property belonging to the said company, in the cities of Philadelphia and Camden, and the said passage, when completed and made navigable, shall be a public highway, subject to the tolls and regulations hereinafter mentioned.

SECTION 2. The county board of Philadelphia may, at any time after the completion of the said canal, pay to the said company the sum expended by them in the purchase of materials, and in the construction thereof, and the county board aforesaid, may, at any time thereafter, declare the same a public highway, or assess such tolls on steamboats, scows or other vessels passing through the same, as may be necessary to keep the canal in good order and repair, and may at all times fix the rate of tolls to be charged by said company, which said tolls may be sued for in any court of record of the city and county of Philadelphia, having jurisdiction thereof, or the said company may seize and detain such steamboats, scows or other vessels, until the toll shall be fully paid, and all boats, vessels and craft navigating the said passage, shall conform to the regulations of the said company: *Provided,* That a full and detailed account of the cost of the said work, under the oath or affirmation of the president or treasurer of the company, shall be filed in the office of the county commissioners, within sixty days after the canal shall be opened for navigation, which account shall be conclusive against the company as to the price to be paid for the said work, but may be traversed by the city upon showing evidence of any inaccuracy therein.

Co. board of Phila. may pay expense of constructing Canal & declare the same a public highway, &c.

SECTION 2. The county board of Philadelphia may, at any time after the completion of the said canal, pay to the said company the sum expended by them in the purchase of materials, and in the construction thereof, and the county board aforesaid, may, at any time thereafter, declare the same a public highway, or assess such tolls on steamboats, scows or other vessels passing through the same, as may be necessary to keep the canal in good order and repair, and may at all times fix the rate of tolls to be charged by said company, which said tolls may be sued for in any court of record of the city and county of Philadelphia, having jurisdiction thereof, or the said company may seize and detain such steamboats, scows or other vessels, until the toll shall be fully paid, and all boats, vessels and craft navigating the said passage, shall conform to the regulations of the said company: *Provided,* That a full and detailed account of the cost of the said work, under the oath or affirmation of the president or treasurer of the company, shall be filed in the office of the county commissioners, within sixty days after the canal shall be opened for navigation, which account shall be conclusive against the company as to the price to be paid for the said work, but may be traversed by the city upon showing evidence of any inaccuracy therein.

SECTION 3. Whenever it shall be necessary for the president and managers of the said company to enter in, and upon, and occupy for the purpose of making said canal, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for an injury, or supposed injury, that

The prest. & managers of Co. may enter upon and use lands for making the canal.

SECTION 3. Whenever it shall be necessary for the president and managers of the said company to enter in, and upon, and occupy for the purpose of making said canal, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for an injury, or supposed injury, that

may be done to such land by such entry and occupation, in Damages to such case, the said president, managers and company may, be estimated at all events, enter upon, occupy and use such lands for the and how. purposes aforesaid, and then and thereafter it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damage, who shall, under oath or affirmation, fairly and impartially estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said ferry company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons of said county, to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any in their apprehension will be sustained as aforesaid, by reason of said canal, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon of the same force and effect as judgment upon common debts, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the appraisers in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands from the said canal: *Provided*, That either party *Proviso*. 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 upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury or exemption: *Provided*, That the said company *2d Proviso*. shall not at any time charge a greater amount of ferriage

Amount
of ferriage
and rates.

for crossing the Delaware river than is allowed by their present act of incorporation, granted by the state of New Jersey, to wit, for nine months in every year, as follows: for each passenger five cents; single passenger in wherries ten cents; for marketing, a barrel to be rated equal to two bushel baskets; tubs, chests and scow baskets to be rated according to the number of bushels they hold, for each bushel one cent; all articles having contained marketing to return free if empty, otherwise to pay the usual rates; for a two horse load, with or without the carriage, not otherwise rated, twenty-five cents; a barrel of salt, plaister, flour, sugar, liquor, &c., eight cents; a hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents; stove of cast iron, of six or more plates, ten cents; salt, plaister, grain, clover and other grass seeds, per bushel two cents; flour, beef, pork, iron, &c., per hundred weight three cents; coffee per bag, chests, large trunks, &c., five cents; soap, candles, glass, chocolate, &c., per box three cents; windsor chairs per dozen, bureau, bedstead, clock case, &c., ten cents; lumber per hundred feet ten cents; live calves and fat hogs per head five cents; sheep and store hogs per head three cents; fat cattle twenty-five cents; cow and calf twenty cents; store cattle, horses and mules, &c., fifteen cents; sideboard twenty cents; desks and secretaries, &c., fifteen cents; tables, stands, feather beds, mattresses, large chest of tea five cents; crate or tierce of earthenware, hamper of bottles fifteen cents; fresh shad per hundred or herring per thousand twenty cents; every four wheel carriage drawn by four horses sixty cents; every four wheel carriage drawn by two horses thirty cents; every two wheel carriage drawn by two horses twenty-five cents; every four wheel carriage drawn by one horse twenty-five cents; every two wheel carriage drawn by one horse twenty cents; market carriages with their drivers, including fish wagons, going to or returning from market, with four wheels drawn by two horses, thirty cents; four wheels drawn by one horse twenty cents; all passengers in carriages, except the driver, to pay the same as other passengers; carriages of burden, to include charcoal, tin wagons, pedlars, &c., with their drivers, two horse loads thirty-five cents; unloaded twenty-five cents; one horse load twenty-five cents; unloaded twenty cents; for carrying hay, straw, hemp, flax and other bulky articles, two horse load fifty cents; unloaded thirty cents; one horse load forty cents; unloaded twenty cents; each additional horse or mule fifteen cents; bricks on carriages ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free; charity schools with their teachers to pass free; the above rates to be taken spring, summer and fall, and the rates of ferriage

and freight, shall not at any time exceed double those rates, and all persons who desire it shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows: not exceeding the sum of one dollar per quarter for each passenger; and it shall not be lawful for said company, nor any other company, partnership or individual navigating or using said canal with steamboat, scow or other ferry boat, to charge or receive for persons or freight, any greater amount or higher rates of ferrriage, and for any and every violation of this provision, the party or parties so offending shall forfeit and pay not less than two nor more than five dollars, to be recovered by the party or parties aggrieved, before any alderman or other magistrate, in like manner as debts under one hundred dollars are by law recoverable. Penalty for charging illegal tolls.

SECTION 4. That if any person shall wilfully or maliciously injure any of the works belonging to the said company, and appertaining to the said passage, or shall obstruct, hinder, molest, or disturb the said company, or the public, in the full and quiet use and enjoyment of the said passage, or shall wilfully obstruct the same, all and every person or persons so offending, shall forfeit and pay to the said company a sum not exceeding two hundred dollars, with costs of suit, to be sued for and recovered in any court of record having jurisdiction thereof. Penalty for injuring or obstructing the passage of the Co's works.

SECTION 5. That nothing herein contained shall be taken or construed to affect or impair any rights or authorities before given to the wardens of the port of Philadelphia. Rights of the Wardens.

SECTION 6. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation. Rights granted may be resumed.

SECTION 7. That it shall and may be lawful for the select and common councils of the city of Philadelphia, or such persons as they may authorize or appoint, to construct or cause to be constructed such piers, wharves or other contrivances, at or near the northern end of said Windmill Island, as they may deem expedient to protect, deepen, or enlarge the present natural channel or passage between the northern end of said island and the sand bar immediately above the same: *Provided*, That if it become necessary for the purposes aforesaid, to enter upon or occupy the property of individuals, the same proceedings shall be had, and the same liabilities incurred by the parties therein concerned, as are prescribed and set forth in the third section of this act: *And provided further*, That if any person shall wilfully or maliciously injure or destroy any of the wharves, piers, or other Select and Common Councils of Philadelphia authorized to construct piers, wharves, &c

contrivances, or shall obstruct or endanger the free use of the natural channel or passage aforesaid, the party so offending shall be proceeded against on the part of the said city of Philadelphia, in the same manner, and shall be subject to the same penalties, for the use of said city, as are prescribed and set forth in the fourth section of this act.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 17.

An Act

To authorize the Governor to incorporate a company to erect a Bridge over the Lackawaxen river, at or near its mouth, in the county of Pike, and for other purposes.

SECTION 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 Benjamin Halbert, Jacob Bonnell, Abraham Shimer, Charles B. Ridgway, Moses Brink, Samuel Darling, Jonathan Rosencrans, William R. Halbert, Joseph Atkinson, Otto Kimble, and Rodolphus Bingham, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of January next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: "We whose names are hereto subscribed, do promise to pay to the President, Managers and company for erecting a Bridge over the Lackawaxen river, at or near its mouth, in the county of Pike, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion, and at such times as may be determined by the president and managers, in pursuance of an act of assembly entitled An act to authorize the Governor to incorporate a company to erect a bridge over the Lackawaxen river, at or near its mouth, in the county of Pike."

Comm'rs.

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