

1801.

## CHAPTER MMCLXXV.

*An ACT to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned.*

WHEREAS the General Assembly of Maryland, by an act passed on the seventh day of December, in the year of our Lord one thousand seven hundred and ninety-nine, entitled "An Act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay," did enact, that it should be lawful to open books for receiving and entering subscriptions, to the amount of five hundred thousand dollars, in shares of two hundred dollars each share, for the cutting said canal and perfecting the navigation thereof, under the management of certain persons, and at certain places, in the said act for that purpose nominated and appointed, and under the management of such persons and at such places, in Delaware and Pennsylvania, as should be appointed by acts of the Legislature of the said states; and by the said act did also provide and declare, that the same should be of no force or effect, until a law should be passed by the state of Delaware, authorizing the cutting the canal aforesaid, and until a law should be passed by the Legislature of Pennsylvania, declaring the river Susquehanna to be a highway, and authorizing individuals or bodies corporate, to remove obstructions therefrom, at a period not exceeding three years, from the first day of March, eighteen hundred: *And whereas*, it will greatly promote the agricultural interests of this commonwealth, to give to the inhabitants residing on, or near the Susquehanna and the waters which empty themselves therein, a choice of markets for their produce and an easy communication with, and a cheap conveyance to the sea-ports of Maryland, Delaware and Pennsylvania, and the cutting and perfecting the said canal, and clearing the bed of the Susquehanna, will contribute in an important manner to so desirable an end, and will be highly beneficial to the citizens of the said states, and is just and reasonable, that the same should be carried into effect upon the principles of reciprocal advantage to the said states: Therefore,

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* it shall be lawful to open books for receiving and entering subscriptions to the amount of five hundred thousand dollars, in shares of two hundred dollars each share, for the cutting the said canal, and perfecting the navigation thereof, under the management of Levi Hollingsworth, John Hunn, James C. Fisher, Benjamin R. Morgan, and Jonathan Bayard Smith, at the city of Philadelphia; and William Montgomery, and John Haldiman, at the borough of Lancaster; and Robert Harris, at the borough of Harrisburgh, in the county of Dauphin; and Jesse Moore, at the borough of Sunbury, and town of Northumberland, in the county of Northumberland; and Andrew Henderson, at the borough of Huntingdon, in the

Subscription  
for the canal  
between  
Chesapeake  
and Dela-  
ware bays.

county of **Huntingdon**; and under the management of the persons, and at the places appointed in the act of the Legislature of **Maryland**, passed on the seventh day of **December**, in the year of our **Lord** one thousand seven hundred and ninety-nine, entitled "An act to incorporate a company, for the purpose of cutting and making a canal, between the river **Delaware** and the **Chesapeake bay**," or of such other persons, or at such other places, as may be appointed by any future act of the state of **Maryland**, and of such persons and at such places, as are appointed by an act of the Legislature of the state of **Delaware**; and the said books shall be opened on the first day of **March**, one thousand eight hundred and two, and shall continue open till the first day of **March**, one thousand eight hundred and three, and on the first day of **May** thereafter, there shall be a general meeting of the subscribers, at the town of **Wilmington**, in the state of **Delaware**, of which meeting, notice shall be given in the manner prescribed by the aforesaid act of the Legislature of the State of **Maryland**, at which meeting the said managers and subscribers shall proceed, and have the same power, and shall do and perform all matters and things as are directed by the said act of the Legislature of **Maryland**; and not otherwise; which said act shall be attached to and printed with this act: *Provided*, That if the states of **Delaware** and **Maryland** shall hereafter, by acts of their Legislatures, limit and appoint any other, and less space of time for keeping open the said subscription books, an earlier time for the first meeting of the subscribers, in that case, such less space of time and such earlier time of meeting, shall be substituted in the place of the times herein before mentioned.

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SECT. II. *And be it further enacted by the authority aforesaid*, That in case one half of the said capital, or a greater sum shall be subscribed as is directed in and by the said act of the Legislature of **Maryland**, herein referred to for that purpose, the said subscribers and their heirs and assigns, from the time of their said first meeting, shall be, and they are hereby declared to be incorporated, by the name of the **Chesapeake and Delaware Canal Company**, and may have perpetual succession, and sue and be sued as such, and shall have, possess and enjoy, all the rights, powers and privileges; shall choose their president and directors; demand, receive and enforce the payment of tolls, and make dividends thereof; and have all other powers vested in the said corporation, and declared to appertain to the same, in and by the aforesaid recited act of the Legislature of **Maryland**, in as full and ample a manner, as if the said act was herein set forth, fully and at large, and enacted in the same words by this present Legislature; and shall derive no other powers under this act, but such as are set forth in the said act of the Legislature of **Maryland**, or necessarily incident to a corporation.

Incorporation of the subscribers.

SECT. III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for an agent or agents, hereafter to be appointed by the Governor of the state of **Delaware**, to have free access to the papers in the **Land-Offices** of this commonwealth; and under the superintendance of the principals of said offices, to transcribe and copy, or procure to be transcribed and copied, under the care and direction of the said agent or agents, in one or more

Provision respecting papers and records in the offices of Pennsylvania, to be copied or delivered to the state of Delaware.

1801. well bound books in folio, all such warrants, surveys or re-surveys, patents, grants, and other original papers, as may be found in the Land-Office, or in any other public office of this commonwealth, which in any wise relate to, or make the title, or part of the title of lands, tenements, or hereditaments, within the state of Delaware, and which cannot be removed, without injuring or spoiling the records, or other papers in the said office or offices; and also to, remove all such original warrants, surveys, re-surveys, patents, grants, and other papers, in the said Land-Office or other offices of this state, which in any wise relate to, or make the title of lands, tenements, or hereditaments, within the said state of Delaware, and which can be removed and separated from the records and papers, in the Land-Office or other offices of this state, without injury to the commonwealth, or citizens of Pennsylvania.

Regulations of the health laws as to vessels stopping in the state of Delaware.

[See the existing health law, passed 17th March, 1806, (chap. 2870,) which repeals the act cited in this section. The proviso in this section was repealed 27th January, 1802, (chap. 2316.)]

The Susquehanna declared a highway, and any persons may remove its obstructions.

Repeal of a former act, so far as it prohibits the removal of obstructions in the Susquehanna.

[SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled "An Act for establishing a Health-Office, for securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases," passed the eleventh day of April, one thousand seven hundred and ninety-nine, as subjects vessels with their cargoes, and passengers with their bedding and clothing, stopping and discharging at any port or ports, in the United States, to certain restrictions and regulations, previous to their coming into the county of Philadelphia, be, and the same is hereby repealed, so far as it respects the state of Delaware: *Provided always,* That the vessels, goods, and passengers, with their bedding and clothing aforesaid, coming from any port in the state of Delaware, shall be subject to the same regulations, restrictions, and penalties, as they are, or would be, if they had not stopped, or been landed at any port or place in the United States.]

SECT. V. *And be it further enacted by the authority aforesaid,* That the river Susquehanna down to the Maryland line, shall be, and the same is hereby declared to be a public highway, any act or law of this commonwealth, to the contrary notwithstanding; and it shall and may be lawful for the said Chesapeake and Delaware canal company, or any other body corporate, or individuals, to remove all natural and artificial obstructions therefrom.

SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of "An Act, to enable the Governor of this commonwealth, to appoint commissioners to ascertain the best route for, and mode of effecting a communication between the waters of the Delaware and Chesapeake bays; and appropriating a sum of money for opening the navigation of the river Susquehanna, down to the Maryland line," passed the eleventh day of April, one thousand seven hundred and ninety-nine, as prevents any individual or company, from removing obstructions out of the river Susquehanna, between Wright's ferry and the Maryland line, be, and the same is hereby repealed.\*

(\* Chap. 2038.)

Passed 19th February, 1801.—Recorded in Law Book No. VII. page 246.