

CHAPTER MDCLXXX.

AN ACT TO INCORPORATE THE CONEWAGO CANAL COMPANY.

Whereas the general assembly of this commonwealth did in and by an act, entitled "An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,"¹ authorize and empower the governor to contract with individuals or companies, among other things, for improving the navigation of the river Susquehanna, from Wright's ferry to the mouth of Swatara creek inclusive, and for that purpose appropriated the sum of five thousand two hundred and fifty pounds, and whereas a contract and articles of agreement were made and entered into on the third day of July, in the year of our Lord one thousand seven hundred and ninety-two, between Thomas Mifflin, governor of the commonwealth of Pennsylvania, on behalf of the state, of the one part, and Robert Morris, William Smith, Walter Stewart, Samuel Meredith, John Steinmetz, Tench Francis, John Nicholson, John Donaldson, Samuel Miles, Timothy Matlack, David Rittenhouse, Samuel Powel, Alexander James Dallas, William Bingham, Henry Miller, Abraham Witmer and Robert Harris, all of the state of Pennsylvania, of the other part, as a company by the name of the Conewago Company for opening and improving that part of the river Susquehanna, from Wright's ferry to the mouth of Swatara creek inclusive, agreeably to the true intent, meaning and design of the legislature, whereby the said Robert Morris and others as a company, and each of them, did agree, undertake and contract to and with the said Thomas Mifflin and his successors, governors of the said commonwealth, that they, the said company, will well and truly open and improve the navigation of the said river Susquehanna, between Wright's ferry and the mouth of Swatara aforesaid, agreeably to the true intention of the legislature, in the manner set forth in the

¹Passed April 13, 1791. Chapter 1569.

said contract, reference being thereto had at large and particularly, that at the Conewago Falls they will cut, establish and maintain a canal of a sufficient and convenient width, not less than forty feet, of a length sufficient to pass and extend beyond all obstructions created in the navigation of the said river by means of the said Conewago Falls, and of a depth sufficient at all times to contain and convey through the whole distance of the said canal a body of water at least four feet deep, and that they will also erect and maintain on the said canal a sufficient number of safe and commodious locks, not less than two, for the benefit of navigation, and that the said canal and locks and the works thereunto belonging, shall be forever kept and maintained in good and perfect order and repair by them, the said contractors, their heirs, executors, administrators and assigns, at the proper cost of them and every of them, and opened as a public highway and for public use forever, so that all persons whosoever with boats, rafts and other suitable vessels and their freights may thenceforth at all seasons, when the navigation of the said river Susquehanna is not rendered impracticable by ice, pass and repass in the said canal and use and enjoy the benefit of the said locks, free of toll and any and every other charge whatsoever, as freely as if the said canal and locks were made and established by the public and duly declared by law to be a public highway;

And whereas the said Thomas Mifflin, in behalf of this commonwealth, in consideration of the undertakings and contracts of the said company, did covenant and agree that they shall have and receive the sum of five thousand two hundred and fifty pounds, the sum appropriated by law, to be taken as full satisfaction and compensation of all their services and expenses in carrying on, completing and maintaining the said works;

And whereas it has been represented to the legislature by the said company that no provision having been made by the public to purchase the ground through which the said canal is to pass for the distance of three hundred and six perches, more or less, nor to compel the owners to part with the same at a reasonable

price or valuation for the public use, and that they have been obliged to purchase the same at their own expense and at a very high rate, appropriating to the use of the public such part of their grounds as may be necessary to the said canal and works, the whole of which is to be constructed and maintained within the grounds so purchased, but that in the execution of the said important work for the public use and benefit, as well as for securing and maintaining the necessary constructions and erections from trespasses and damages, the better managing their several shares, dividing and transferring the same, making and executing contracts for carrying on the work, and the improvement of the natural advantages of their estates and interest in the lands contiguous to and connected with the said canal (including the ferry at the lower end of the said Conewago Falls) they labor under many inconveniences as a number of individuals bound by temporary articles to the execution and support of a public work for permanent and perpetual use to the community at large, and have therefore prayed that they may be constituted into a body politic and corporate, with the powers, rights and privileges incident and necessary to a corporation of the like nature and kind.

[Section I.] (Section I, P. L.) Be it therefore 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 said Robert Morris, William Smith, Walter Stewart, Samuel Meredith, John Steinmetz, Tench Francis, John Nicholson, John Donaldson, Samuel Miles, Timothy Matlack, David Rittenhouse, Samuel Powel, Alexander James Dallas, William Bingham, Henry Miller, Abraham Witmer and Robert Harris, their successors and assigns, shall be and they are hereby incorporated into a body politic and corporate in deed and in name by the name, style and title of The Conewago Canal Company, and by the same name, style and title they shall have succession forever, and be able and capable in law to sue and be sued, to implead and be impleaded, and to have and to make one common seal to use in their affairs, and the same to break and alter at their pleasure, and to hold and enjoy any lands, tenements,

goods, wares and merchandise and all manner of estates, real and personal and mixed, provided the same shall not exceed at any time one million of dollars, and shall have power to meet, choose, appoint and contract with all officers, servants and persons necessary in the management of their affairs, and to do and perform such acts, and to make such rules, ordinances, by-laws and regulations (not inconsistent with the laws of the United States and of this state) as they or a majority of them shall from time to time find convenient, useful and necessary for establishing and maintaining the said canal and locks, and the works thereunto belonging or connected with the same, and in general for the better managing and promoting the interests of the said corporation and company and the improvement of the natural advantages of their estate in the premises, in as full and ample a manner as any other corporate body within this commonwealth can or may do.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said canal and locks shall be and the same are hereby declared to be a public highway, and as such shall be kept and maintained by the said corporation and company for public use forever, so that all persons with boats, rafts and other suitable vessels, with their freights, may at all seasons, when the navigation of the river Susquehanna and the said canal is not rendered impracticable by ice, pass and repass in the same, and use and enjoy the benefit of the said locks, free of toll, and any and every other charge whatsoever, and the said company shall keep and maintain a skilful person for opening and shutting the locks for assisting the boatmen in their passage through the same.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever whereby the said navigation, or any lock, gate, engine, machine or devise thereto belonging, shall be injured or damaged, he, she or they so offending shall forfeit and pay to the said company fourfold the costs and damages by them sustained by means of such known and wilful act, together with

costs of suit in that behalf expended, to be recovered by action of debt before any justice of the peace, or in any court having jurisdiction competent to the sum due.

[Section IV.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be held, deemed, taken or in anywise understood to invalidate the contract had and made between the governor of this commonwealth and the said company, for completing the said canal and locks in the manner and in the time therein specified, nor to release the said company, or any of them, from their responsibility, each for the other jointly and severally, in the due and faithful execution of the work, according to the true intention of the legislature, as specified and set forth in the said contract.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXXI.

AN ACT TO AUTHORIZE SIMON SNYDER, AND THE HEIRS OF ANTHONY SELIN, DECEASED, TO ERECT A DAM ON PENN'S CREEK, IN THE COUNTY OF NORTHUMBERLAND, UNDER THE LIMITATIONS AND PROVISIONS THEREIN PRESCRIBED.

Whereas erecting dams in certain streams of water, which have been heretofore by law declared public highways, under certain limitations and provisions, will be so far from impeding or obstructing the design of such laws that it will rather tend to accomplish the purpose of them: Therefore:

[Section I.] (Section I, P. L.) 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 Simon Snyder, and the heirs of Anthony Selin, deceased, and their heirs and assigns, shall have liberty to erect a dam across Penn's creek, in the county of Northumberland, not exceeding the height of three feet, and to maintain and keep the same in good repair forever.