

CHAPTER MMDCLXIX.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR OPENING A CANAL AND LOCK NAVIGATION BETWEEN THE RIVERS SCHUYLKILL AND SUSQUEHANNA, BY THE WATERS OF TULPEHOCKEN, QUITTAPAHILLA AND SWATARA, IN THE COUNTIES OF BERKS AND DAUPHIN." (1)

Whereas the completion of the Schuylkill and Susquehanna navigation is of the first importance to the agriculture, commerce and manufactures of this commonwealth; and the undertaking is highly meritorious and deserving of every reasonable aid and encouragement which it is in the power of the legislature to bestow:

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 whenever the said canal shall cross any public or private laid out road or highway; or shall divide the grounds of any person into two parts so as to require fords or bridges to cross the same; the said president, managers and company shall be at liberty as they may think proper at any time hereafter, either to build bridges, or cause fords to be rendered practicable and fit for the passage of carts and wagons; and the bottom of such fords shall be made of stones or wood, and the water of any such ford shall not be deeper than thirty inches, and the breadth of such ford shall be twelve feet at the least; and wherever any such bridge or bridges may have been erected either to repair the same or cause a ford to be made in lieu thereof: And it shall be the duty of the jury in valuing any lands, tenements or hereditaments, under any writ in the nature of *ad quod damnum*, to take into consideration the advantage derived to the owner or owners of the premises from the said navigation passing through the same.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers

and company shall have the right to regulate and fix from time to time, as they may think proper, the rate of tolls on every article for each distance; provided the same does not exceed the rate per centum on the capital stock allowed by the original act of incorporation.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That at any future subscription for new shares in the said company, it shall be lawful for the owners of shares now completed, to add to the original sum of four hundred dollars, the interest on each and every payment from the date of each requisition for such payment: And in case that the shares now forfeited to the said company should hereafter be readmitted on payment of the arrears due with interest, they shall enjoy the same rights and privileges as the shares now completed.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That as soon as the funds of the company do permit, after payment of all charges and interest on any loan or loans that may have been made, and of a dividend of six per centum per annum to the stockholders, the president and managers shall retain from time to time out of the profits of the company, such sums annually as they may judge necessary, till the same does amount at least to one hundred thousand dollars; as a surplus fund, to be by them invested in such stock as they may think most advantageous, for the purpose of rendering the future dividends from year to year as equal as possible, to provide for the interest of any loan and any casualty that may happen.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That to remedy the inconveniences attending two companies acting jointly where a separate interest exists, the president and managers of the Schuylkill and Susquehanna navigation be, and they are hereby authorized and empowered to raise their proportion of the provisions granted by an act of assembly, passed the seventeenth day of April, one thousand seven hundred and ninety-five,⁽²⁾ in favor of the president and managers of Schuylkill and Susquehanna

navigation, and the president and managers of Delaware and Schuylkill canal navigation, for the purpose of completing the works in their acts of incorporation mentioned, separate from and unconnected with the president and managers of the Delaware and Schuylkill canal navigation; and the said president and managers of the Schuylkill and Susquehanna navigation shall appoint on such terms as they think fit, one or more managers for the purpose of carrying the aforesaid provisions into effect upon such plan or plans, scheme or schemes, as he or they may suppose or find most practicable or advantageous: And the said manager or managers thus appointed by the president and managers of the Schuylkill and Susquehanna navigation, shall personally and in his or their individual capacities, enter into bonds to the governor of the commonwealth in the sum of one hundred thousand dollars; and moreover take an oath or affirmation for his or their faithful performance in the premises: Provided always, that the profits of said provisions shall form no capital stock of said company upon which any dividend shall be made to the stockholders, but the same shall be considered as a bounty to said corporation to enable them to make the tolls as low as possible.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall on the first Monday of January, in the year of Our Lord, one thousand eight hundred and twenty, render to the legislature of this commonwealth an abstract of their accounts, showing the whole amount of the real capital expended in the prosecution of the said navigation, the net profits of the said lotteries and also of the toll and profits collected.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in lieu of the provisions made in the second section of the supplement to an act, entitled "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna by the waters of Tulpehocken, Quittapahilla and Swatara in the counties of Berks and Dauphin,"⁽⁸⁾ and the subscription by the

governor in consequence thereof, shall be and the same is hereby annulled and made void; the governor of this commonwealth be and he is hereby authorized and required, on the application of the said president and managers to draw a warrant on the treasurer of this commonwealth for three hundred thousand dollars, whenever it shall appear to him that the whole navigation from Schuylkill to Susquehanna has been completed and has been six months in operation: And the said grant shall be considered as part of the capital stock of the company and the state shall receive a dividend in proportion thereto: Provided, that the said sum of three hundred thousand dollars shall not be demanded of the commonwealth by the said president and managers until twelve months notice be given to the governor after the completion and operation of said canal.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby authorized and required to appropriate annually the amount of the duties on sales at auction, which shall be paid each year into the state treasury, in the purchasing of bank or other profitable stock, as he may judge proper, until the stock so purchased shall amount to three hundred thousand dollars; which stock is hereby pledged for the payment of the sum granted to the canal company by the seventh section of this act; and the interest arising from the stock so purchased from time to time shall be paid into the state treasury, subject to the disposition of the legislature: Provided always, that if the said canal shall not be completed within twenty years from the passing of this act, the state shall not be considered as pledged for the payment of the aforesaid sum of three hundred thousand dollars.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if on the application of the said president and managers on the first Monday of January, in the year of our Lord, one thousand eight hundred and twenty, it shall appear to the governor of this commonwealth, that thirty-five miles of said navigation have been well completed and are in operation, he is hereby requested to signify

the same to the then legislature of this commonwealth; whereupon the time for completing the said Schuylkill and Susquehanna navigation with all the powers and privileges, benefits and rights thereunto attached or belonging shall be, and the same are hereby prolonged and continued for a further period of ten years from and after the first Monday of January, in the year of our Lord, one thousand eight hundred and twenty, for the purpose of fully finishing and completing the said necessary navigation.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of the said original act or acts, or the supplement or supplements to the same as shall be hereby altered or supplied, be, and they are hereby repealed, and the remainder thereof be continued in full force and virtue.

Approved March 4, 1807. Recorded in L. B. No. 10, p. 448.

Note (1) Chapter 1588; 14 Statutes at Large, p. 150.

Note (2) Chapter 1854; 15 Statutes at Large, p. 331.

Note (3) Chapter 2662; Supra this volume, p. 116.

CHAPTER MMDCOLXX.

AN ACT AUTHORIZING THE GOVERNOR TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM HARRISBURG THROUGH LEWISTOWN AND HUNTINGDON TO PITTSBURGH.

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 for the purpose of making an artificial or turnpike road from Harrisburg through Lewistown and Huntingdon to Pittsburgh, the following persons, viz Robert Ralston, Thomas Stewardson, Simon Gratz, Michael Keppele, Manuel Eyre, John Wistar, and Samuel Meeker, of Philadelphia; Charles Smith, Samuel Humes, John Hubley, Alexander Patterson, and John Haldeman, of Lancaster county; John Irwin, George Hoyer, John Shoch, George Ziegler, Obed Fahnestock, and Jacob Wain, of Dauphin county; Isaac Craven, William North, John Shewman, David Miller,