

No. 42.

AN ACT

To incorporate the Penn's Creek navigation company.

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 Christopher Seebald, senior, Robert Barber, junior, Abraham D. Hahn, James Duncan, George Wirick, David Fitzimmons, George Bogar, William Kessler, James Merrill, Henry Gross, Samuel Wilson, Solomon Kleckner, John Seebald, senior, and John Maclay, or any two 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 of May next, procure a book, or books, which shall be opened at some convenient place, in New Berlin, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of Penn's Creek navigation company, the sum of 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 the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the Penn's creek navigation company." Witness our hands this

Commissioners named to open books.

Form of subscription,

day of _____ in the year of our Lord, one thousand eight hundred and _____ and shall thereupon give notice in one German, and two English newspapers at least, one of which shall be printed in the county of Union, for three weeks at least, of the times and places when and where the said book or books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names 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 respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed two hundred shares; and if at the expiration of six days, the aforesaid books shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of

and

regulations relative to taking stock.

two hundred shares shall have been subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed.

When 200 shares are taken to be incorporated

Title.

Company may increase stock, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when two hundred shares or more of the said stock shall be subscribed, 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 the sum actually paid by each, whereupon the Governor shall by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers; and if the subscription be not full at the time, then also those who shall thereafter subscribe, until the said subscription be full, into a body politic and corporate, in deed and in law, by the name, style, and title of the "Penn's Creek navigation company," and by the same name the 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 from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding to them, their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

First election of officers.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the first seven named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least thirty days previous notice in the newspapers hereinbefore mentioned, of the 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 said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented duly authorised, one president and six managers, a treasurer and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company until the first Monday of

January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

Who may
make by-
laws, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least thirty days by the secretary, in the newspapers before mentioned, and choose by a majority of votes of those present, three officers for the ensuing year, as 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 may 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 and authority to make, alter or repeal, by a majority of the votes in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportions following, that is to say, for each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden two calendar months prior to the day of election, nor unless it be holden by the person in whose name it shall appear absolutely and bona fide, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided,* That no share held by transfer shall be entitled to vote unless the same shall have been transferred at least two months before the election, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Annual meet-
ing of stock-
holders.

Ratio of
votes,

and other
election ar-
rangements.

Proviso
relative to
proxies, &c.

Manner of holding elections.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the election of officers provided for in the fourth section of this act, shall be conducted in the following manner, that is to say, the managers for the time being, shall appoint two of the stockholders not being managers, to be judges of said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law to conduct such election, and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes, and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, or other officer shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer or other officer, on the same day, or on any other day thereafter, by giving at least thirty days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place: in case of the death, resignation or removal from the state of any such president, manager, treasurer or other officer, his place shall be filled by the board of managers until the next annual election.

Vacancies how filled.

Meetings, duties, &c. of managers.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business; and when met, four shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended work, and to fix their salaries and wages, to ascertain the terms, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorised to do.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall pro-

eure certificates or evidence of stock, for all the shares of said company, and shall deliver over such certificates signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, 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, each of whom 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 a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

Certificates of stock,

how transferred.

SECT. 8. *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 of 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 of his assigns 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 said shares 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.

Penalty on neglect to pay instalments.

How recovered.

Proviso.

No delinquent to vote.

Distance of navigation.

Dams, locks, towing path, &c.

Connection with state canal to be under direction of canal commissioners.

Rights and privileges granted to agents of company, relative to materials &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president, managers and company to make a complete navigable canal or slack water navigation, or a complete navigable canal at such place and places as they may think proper, and a slack water navigation at such other place or places as they may think proper, for the passage up and down Penn's creek, in Union county, from the lock out of the Pennsylvania canal into the said creek, to Solomon Kleckner's dam at New Berlin, of every kind of arks, rafts, boats and crafts capable of navigating the same, with such dams, locks, sluices and other works, as shall be necessary, and also to make a road or tow-path along the side of the same, and to make use of the water of the said creek and stream, or any streams on or near the intended route of any such canal or canals, for the purpose of supplying the same with water.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the connection of the said canal or slack water navigation with the Pennsylvania canal, or any lock thereof, as authorised by this act, shall be made and formed agreeably to the directions of the board of canal commissioners of this state.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president, managers and company, their agents, superintendents, surveyors, engineers, artists and workmen to enter upon the said creek and streams and lands adjacent, to open, enlarge, contract, deepen and change the same in any part or place thereof, which shall appear to them most convenient and best adapted to complete the said navigation, and also cut, break, remove and take away all trees, rocks, stones, earth, gravel and sand, and other materials, or any obstructions or impediments whatsoever within the said creek, and to use all such timber, rocks, gravel, sand and earth or other materials, which may be found necessary in the prosecution of their works, and to form, make and erect and set up all such gates, dams, locks, sluices and devices whatsoever, which they shall deem most fit and convenient, to make a complete navigation from Solomon Kleckner's dam aforesaid, to the lock out of the Pennsylvania canal aforesaid, as far as the same may be practicable, so as to admit a safe and easy passage for boats, arks and every other kind of vessels and craft or conveyance, up as well as down the same, and to make and use all such means by collateral roads, sluices, locks and devices as they may deem eligible to said navigation.

SECT. 12. *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 super-

intendents, surveyors, engineers, artists and workmen, to enter in and upon and occupy for that purpose, any lands which shall be necessary and suitable for the intended canal, and thereon dig, construct, make and erect such gates, dams, canals, locks, sluices and other necessary device, satisfying the owner or owners therefor; 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 three suitable and judicious persons within the proper county wherein 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 proper county where the land lies, and said court shall appoint three or five disinterested citizens of the said county, who shall, under oath or affirmation, ascertain and report to the prothonotary of said county, what damages, if any, have been sustained by the owner or owners of said ground, by reason of such roads, dams, canals, locks, sluice or other device, erected on or passing through his, her or their lands, which report after thirty days from the filing thereof in the said office, and when confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment, for the sum awarded, with reasonable costs, to be assessed by the court, to be levied and to be proceeded in as in other cases, until the said damages and costs are paid and satisfied, and after the same shall have been confirmed by the court; and it shall be the duty of said appraisers, in valuing any land, to take into consideration the advantages 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, agreeably to an act passed the twentieth of March, eighteen hundred and ten, entitled "An act to amend and consolidate with its supplements, the act entitled An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes," in the same manner as appeals are allowed: *And provided*, That when the damages assessed do not exceed five dollars and thirty-three cents, the same shall be final.

Right to occupy necessary and suitable lands.

Regulations relative to settlement of damages.

Proviso.

2d proviso.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the president, managers and company, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons, and other carriages, and beasts of draught or burden, may enter upon the lands contiguous and near to the said creek and streams, giving notice to the owners or

occupiers thereof, and from thence to take and carry away any stone, gravel, sand, earth or timber, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends in the same manner as in the twelfth section of this act, for any damages that may be done thereon, and pay for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by three disinterested citizens of said county, chosen as directed, and whose proceedings shall be in the same manner as is provided for in the twelfth section of this act.

Injury to
water works
settled in
same way.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be injured by means of any dam or dams being erected, or the land of any person inundated by swelling the water, or any mill or other water works injured by swelling the water into the tail race of any mill or other water works, which may have been erected in said creek or tributary streams; and if the president, managers and company cannot agree with the owner or owners thereof, on the compensation to be paid for such injury, the same proceedings shall be had as is provided in the twelfth section of this act, the persons valuing the damage being first sworn or affirmed, or the jury, as the case may be, shall take into consideration the advantages which may be derived by such owner or owners by the navigation aforesaid.

Toll.

SECT. 15. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said president, managers and company, or such person or persons as they shall from time to time appoint toll collectors, or their deputies, so soon as the said navigation shall be perfected, to collect and receive by toll upon the said navigation, fifteen per cent. per annum upon the amount of money which shall have been expended in the completion of the said navigation, and in the support, improvement and continuance of the same from time to time, and for that purpose the legislature shall have full power and authority to regulate and fix, from time to time, as they may think proper, the rate of toll to be paid to them by all persons, upon all vessels, boats, arks, rafts and every other kind of conveyance and craft, using the said navigation, sufficient to assure the payment of the said fifteen per cent. per annum: *Provided,* That if at any time hereafter the tolls should enable the company, after paying repairs and other necessary expenses, to divide more than fifteen per cent. per annum on the capital stock expended, then and in such case the tolls shall be so reduced that the dividends shall not exceed the said sum of fifteen per cent. per annum.

Proviso.

Not to ex-
ceed 15 per
cent. on capi-
tal.

SECT. 16. *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of rafts, arks and tonnage of boats, and other vehicles using and passing the said canal, lock and slack water navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner or supercargo of such boat, ark or raft, or other vehicle, or of the collector of the said toll, at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of the said rafts and arks or other vehicle, and the tonnage the said vehicle or boat is capable of carrying, and to mark the tonnage so ascertained in figures upon the head and stern of the said boat, ark or vehicle, in colors mixed with oil; and that the said boat or vessel so marked, shall be permitted to pass on or through the said canal and locks, for the price per ton to which the number of tons so marked on her shall amount to agreeably to the rates fixed, and if the owner or supercargo of any raft, boat or vehicle shall decline choosing a person resident within two miles of the place where the said toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat, ark, raft or vehicle shall be permitted to pass the place where such toll is made payable by the said president and managers.

Mode of ascertaining and marking the tonnage of navigating vessels.

SECT. 17. *And be it further enacted by the authority aforesaid;* That it shall be the duty of the owner, master or commander of any boat, ark or other vessel intending to pass on or through said canals and slack water navigation, when they shall arrive within one-fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice, to let the said ark or other vessel or vehicle pass without unnecessary delay and in safety, and if any boat, ark, or other vessel or vehicle shall be prevented from passing up or down any of said locks or sluices, by reason of the gate or lock not being opened or raised for more than thirty minutes, the president, managers and company shall, on conviction thereof before any alderman or justice of the peace of the proper county, forfeit and pay to the person so hindered the sum of two dollars for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time.

Penalty on delay in opening locks graduated.

Penalty on neglect to keep navigation in order.

How collected and appropriated.

Punishment for wilfully injuring works of company.

Right of company to dispose of water power. Proviso. Not injuring navigation.

Managers to take bonds from treasurer and other officers.

SECT. 18. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order or repair any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle that may occur, so that boats, arks, rafts or other vessels or vehicles, properly constructed, may at all times safely pass on or through the said canals and slack water navigation, the president, managers and company shall for each and every such offence, forfeit and pay the sum of twenty dollars, to be recovered in the same manner as debts of equal amount are by law made recoverable, before an alderman or justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the proper township.

SECT. 19. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly do any act or thing whereby the navigation aforesaid shall be impeded, or any dam, lock, gate, canal, engine, machine or device thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending shall forfeit and pay to the said company four fold the damages by them sustained, together with costs, to be recovered by action of debt, before an alderman or justice of the peace, or in any court of competent jurisdiction, and be liable to be prosecuted in the court of quarter sessions of the said county for the same, as a misdemeanor, and upon conviction thereof be subject to fine or imprisonment at the discretion of the said court.

SECT. 20. *And be it further enacted by the authority aforesaid,* That as soon as the said president, managers and company shall have completed the said navigation so far as to render it useful, they shall have the privilege and be entitled to sell in fee simple, loan or rent, for one or more years, the said water to any person or persons, to be used in such manner and on such terms as they may think proper: *Provided,* It be so done that it shall not at any time impede or interrupt the navigation or conveyance.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the president and managers of said company shall demand and require of and from the treasurer, and all and every other the officers and persons by them employed, bonds in sufficient penalties and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

SECT. 22. *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 monies 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, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation or where 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, or the said work from any casualty should be injured so as to require an increase of the capital stock, 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 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.

Annual settlement of accounts and mode of increasing stock.

SECT. 23. *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 moneys received by their several and respective collectors of tolls, at the several and respective gates and locks, and all the moneys received for the use, rent or hire of water power, and all other emoluments, and shall make and declare a dividend of the clear profits and incomes thereof, among all the stockholders, all contingent costs and charges being first deducted, and shall on the first Monday in January in every year, publish the dividends made of the clear profits, and the time when and where the same will be paid to the stockholders, not exceeding thirty days thereafter, and shall cause the same on demand to be paid accordingly, and shall on or before the first Monday in February in every year from and after the completion of the work, lay the accounts of their receipts and disbursements before the legislature, under oath or affirmation of the president of the company.

Annual publication of dividends, and report to legislature.

SECT. 24. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall not proceed to carry on the work within three years from the passage of this act, and shall not complete the same in ten years, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties, privileges and franchises

Time of commencement and completion.

hereby granted to said company shall revert to the commonwealth, and the chartered privileges hereby granted shall also revert to the commonwealth, if the said company shall be directly or indirectly engaged or concerned in any banking, milling, mining, manufacturing or merchandizing concern, or in any other business whatsoever, except such as may be necessary and proper for the construction and improvement of such canal or navigation and appurtenances, and the performance of the several functions of a canal or navigation company: *Provided always*, That in case of forfeiture and resumption by the legislature, of the rights, liberties, privileges and franchises hereby granted, nothing herein contained shall be construed to work a forfeiture of the rights of individuals to water power under grants made by the president, managers and company, but the same shall be held by individuals in as full and ample a manner as they might do if no such forfeiture or resumption had taken place, and in lieu of such resumption the principal sum paid when the conveyance has been in fee simple, and the accruing rents and profits when the said water power has been let for one or more years, shall be forfeited to the commonwealth: *And provided also*, That if the said company shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the legislature may at any time, according to law, thereafter resume all and singular the rights, privileges and franchises hereby granted to the said company.

How company may forfeit charter. **Proviso.**

Forfeiture not to injure individuals who hold water grants.

2d proviso.

Reservation of right to resume privileges.

State engineer to make survey and estimate.

Proviso.

SECT. 25. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the board of canal commissioners, to direct one of the engineers that may be in the employ of the state, to make during the present year, a survey and estimate of the probable cost of the improvement authorised by this act: *Provided*, The same can be done without materially interfering with the duties of such engineer to the commonwealth.

FRED'K SMITH, *Speaker*
of the House of Representatives.

DANIEL STURGEON,
Speaker of the Senate.

APPROVED—the twenty-third day of February, A. D.
one thousand eight hundred and thirty.

GEO. WOLF.