

easter county, Mary Brown, of Mifflin county, Catharine Lancaster
 Myer, of Franklin county, Catharine Hubner, of York county, Mifflin
 Peter Myers, of Holmes county, Ohio, Jacob Fisher, of Del- Franklin
 aware county, Ohio, widows of soldiers, and soldiers of the York Holmes
 revolutionary and Indian wars, or to their respective orders, aware co
 forty dollars each immediately as a gratuity, and an annuity Ohio
 of forty dollars each during life, payable half yearly to com-
 mence on the first day of January, one thousand eight hun-
 dred and forty-two. That the state treasurer be and he is
 hereby authorized and required, to pay to George Bell, of Westmorel'd
 Westmoreland county, forty dollars as a gratuity in full for Bucks
 his military services in the Indian war, and to Jonathan Doyle Huntingd'n
 of Bucks county, Anne Johnston, of Huntingdon county, Ma- & Allegheny
 ry Ann Kinzer, of Allegheny county, a soldier and widows of co
 soldiers of the revolutionary and Indian wars, or to their re-
 spective orders, forty dollars each immediately as a gratuity,
 and an annuity of forty dollars each during life, payable half
 yearly, to commence on the first day of January, one thou-
 sand eight hundred and forty-two.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The twenty-first day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 121.]

AN ACT

Authorizing the Governor to Incorporate the North Branch Canal Company.

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 Edward Herrick, Nathaniel Clapp, Elisha S. Goodrich, Victor E. Piolett, William Elwell, and Christopher L. Ward, of Bradford county, John N. Conyng- ham, Samuel Holland, George M. Hollenback, Chester Butler,*

said books may be closed: *Provided always*, That every *Proviso* person offering to subscribe in said books in his own, or in any other person's name shall previously pay to the attending commissioner the sum of one dollar on each share to be subscribed, out of which shall be defrayed the expenses of taking such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereafter mentioned: *And provided further*, That the whole number of shares subscribed before the organization of the company, shall not exceed ten thousand, and if an excess above that number shall be subscribed, the commissioners shall reduce such excess proportionably among the subscribers.

SECTION 2. When five thousand shares shall have been subscribed, by twenty or more persons, the commissioners, or any five 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, whereupon the governor shall by letters patent under the greater seal of the Commonwealth, create and constitute the subscribers, into a body politic and corporate by the name, style and title of "The North Branch Canal Company," and by the same name the subscribers shall have perpetual succession, and all the privileges, and franchises incident to a corporation, subject to the limitations and restrictions imposed and prescribed by this act, and shall be capable of taking and holding their capital, and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intention and purposes of this act, not exceeding two millions of dollars, and of purchasing, taking and holding to them their successors and assigns in fee, and for any less estate, such lands, tenements and hereditaments and estate, real and personal as may be necessary to them, in the prosecution of their business as a canal company, and of suing and of being sued, and doing all other matters and things necessary for carrying into effect the provisions of this act. *Letters patent Name*

SECTION 3. The commissioners hereinbefore named, or any five of them, shall as soon as conveniently may be after the said letters patent have been obtained, give fifteen days notice, by one insertion in at least one of the newspapers published in Philadelphia, Danville, Wilkesbarre and Towanda, of a time and place by them appointed for the subscribers to meet, in order to organize the said company, and *Organization* to choose by a majority of votes of the subscribers given in person or by proxy duly authorized, thirteen managers all of

Quorum

whom shall be citizens of Pennsylvania, and such other officers as shall be deemed necessary, which said managers shall appoint one of their number to be president, and shall conduct the business of said company until the second Monday of May next ensuing, and until other like officers shall be chosen as hereinafter directed. The said president and managers shall meet as soon as convenient after the election, and when so met, five of them shall form a quorum for the transaction of all business, they shall keep a full minute of all their proceedings fairly entered in a book, and shall have full power to appoint a treasurer and such other officers, surveyors, engineers, superintendents and agents as they may think necessary to carry on their work, to fix their salaries or compensation, and to demand and take from them such securities for the faithful discharge of their respective duties as they may think proper, in such sums as may be fixed by law or resolution, and also at their first or subsequent meeting, to make any such by-laws rules and orders as do not contravene the constitution and laws of the United States, or of this State or the provisions of this act, and may be convenient or necessary for the well governing of the affairs of said company, also to fix and direct the time, manner, and proportion in which the stockholders shall pay the moneys due on their respective shares, and disburse the same in the business of the said company by orders drawn on the treasurer signed by the president or in his absence by the president pro tem, and generally to do all such other acts, matters and things as by this act, and by their by-laws and the regulations of the said company they are authorized to do.

Power to
take posses-
sion of canal
&c

Proviso

SECTION 4. The said North Branch Canal Company, when organized as aforesaid by the election of a board of managers and the appointment of a president, as is prescribed in the foregoing section, and when one hundred thousand dollars of the stock subscribed shall be actually paid, are hereby authorized to enter upon and take possession of the North Branch Canal, from the Lackawana creek in Luzerne county, to the state line in Athens township, in the county of Bradford, and to finish and complete the same according to the original plan thereof, or with such alterations and in such other manner as the said company may deem expedient; the whole work, however, to be done in a permanent, substantial and workmanlike manner, and so arranged and finished as entirely to effectuate the object for which it was located and thus far constructed: *Provided also*, That unless the work of finishing said canal shall be commenced and carried on within one year from the passing of this act, and the whole of the said canal completed and in operation, according to the true intent and meaning of this act, within three years, then, and in either of those cases, all and

singular the rights, privileges, liberties and franchises hereby granted to said company shall revert to the commonwealth : *Provided*, That the said canal shall forever be and remain a public highway, for the passage at all times of all persons with horses, boats and merchandize, they paying toll therefor, under such general regulations under this act, as the said company may with the assent of the governor from time to time ordain and publish : *Provided however*, That no person or persons shall be permitted without the license of the said company to employ steam power on the said canal. Proviso

SECTION 5. The said North Branch canal, with all the work done upon the same lands purchased for the use thereof, and the materials provided for continuing and completing any unfinished work, and the right of the state to the towing path upon the bridge across the Susquehanna river at Towanda, as far as the same belongs to the Commonwealth, are hereby transferred to the said North Branch canal company, with full power and authority to finish and complete the said canal, and for that purpose, by themselves, their superintendents, engineers, artists, workmen and laborers, to enter in and upon the said canal, and to occupy all the land which shall be necessary and suitable for constructing said canal, with the necessary locks, aqueducts, wastewiers, bridges, toll houses, dams and so forth, doing as little damage as possible, and making compensation, or giving adequate security therefor to the owner of such property, where the same has not been assessed and paid by the officers of the commonwealth, nor released by the present or any former owner the said damages to be assessed and ascertained in the same manner, and by the same officers, as if the commonwealth were completing the work ; the wages of said officers, while so engaged, to be paid by the company aforesaid, and on the completion of the said canal, it shall be the duty of the president of the said company to file in the office of the auditor general of this commonwealth, a particular and detailed statement of the amount expended by the said company on said canal, which statement shall be verified by the oath or affirmation of the president, and attested by the treasurer and secretary of the company, for the time being. Canal and appurtenances vested in company

SECTION 6. The said North Branch canal shall be held and enjoyed by the said North Branch canal company as fully to all intents and purposes as if the same had been located, constructed and completed by them, and shall at all times be kept in good and perfect repair for the accommodation of the public : *Provided*, That at any time after the first day of January, Anno Domini, one thousand eight hundred and eighty-five it shall be lawful for the Commonwealth to resume and reclaim How held
Proviso

Power of
state to re-
claim canal

from the said company the said canal and its appurtenances, by paying the said company all the money expended by them in the finishing and completing thereof, together with seven per cent. interest thereon from the time the same was expended and paid out, deducting from the interest aforesaid the dividends before declared by the said company, on the capital stock, and on the payment thereof by the Commonwealth to the said company, in such manner and form as shall be agreed upon by the said company and by agents duly authorized by the Commonwealth, all and singular the canal aforesaid, with its appurtenances, shall be vested in the Commonwealth, and the corporate rights hereby granted to the North Branch canal company shall thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of said company.

Annual meet-
ing

SECTION 7. The stockholders of this company shall meet annually on the second Monday of February of each year, at such place as may be fixed upon by the board of managers, of which at least ten days notice shall be given by the treasurer, in the newspapers beforementioned, and choose by the votes of a majority of those present in person or by proxy as aforesaid, the officers 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 shall 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 to make, alter or repeal by a majority of votes in the manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do all or any other corporate act or acts: *Provided*, That none but stockholders shall be eligible to be elected managers, and that at every such election, and in all other cases in which the stockholders shall be called upon to vote, the owner of each share of stock shall be entitled to one vote, if it shall have been originally subscribed for by the person offering to vote, or held by him at least three calendar months prior to the day of election absolutely, and bona fide in his own right, or in the right of his wife, or as executor, administrator, trustee or guardian, or in the right and for the use of some co-partnership, corporation or society of which he may be an agent or member, and in all cases of election for managers, the thirteen stockholders having the greatest number of votes, shall be declared elected; the omission of the stockholders to meet and elect as aforesaid shall work no forfeiture, but they may within three months afterwards be called together for that purpose by the managers: *Provided*, No stockholder shall be permitted to give more than fifty votes at any election.

By-laws

Provide

Provide

SECTION 8. The president and managers shall, as soon as is convenient, procure certificates of evidence of stock for all the Certificates shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with a corporate seal of the said company, to each person for every share of stock by him subscribed or held, he paying one dollar for each share, or, at the option of the subscriber, one certificate for the whole or any less number of shares by him subscribed, which certificate or evidence of stock shall be transferable at his pleasure, in person, Transfers or by attorney duly authorized, in the presence of the president or treasurer, who 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 the books of the company kept for the transfers of stocks, shall be a member of said corporation, and for every certificate assigned to him as aforesaid shall be entitled to one or more shares of said capital stock, according to the tenor of said certificate, and of all the estates, emoluments and dividends of the said company incident to such shares, and to vote as aforesaid at the meetings thereof, and be subject to all penalties and forfeitures, and to be liable for all balances and penalties due on such share or shares, as the original subscribers would have been.

SECTION 9. If, after thirty days notice in the public papers aforesaid of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to Penalty for neglect to pay instalments pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, 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 same 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* Provide 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.

Power to enter lands for materials &c

Damages

SECTION 10. The president and managers, their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of burden or draft, may enter upon the lands contiguous to the route of the said canal, giving or publishing notice to the owners thereof, and from thence take and carry away stone, gravel, sand, earth, or other material necessary to the construction of said canal, doing as little damage as possible, and repairing any breaches they make in the enclosures thereof, previously making compensation for any damages that may be done thereon, or for materials to be taken away, or giving adequate security therefor, which, if the parties do not agree, shall be assessed and ascertained by any three disinterested freeholders of the said county under oath or affirmation, to be appointed by consent of parties, or if they cannot agree, by the court of common pleas of the county in which the damage may be done, or materials taken, upon petition, from whose decision an appeal may be entered to the said 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 it shall be the duty of said freeholders to file their report in the office of the prothonotary of the proper county within ten days after the same is made.

License

SECTION 11. As soon and as often as the said president, managers and company shall have completed any contiguous portion of said canal or navigation, ten miles or more in length, they may give notice thereof to the governor, who shall thereupon nominate and appoint three disinterested persons to view and examine the same, and report to him in writing, under oath or affirmation, whether the said navigation is executed in a workman like manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the governor shall by license under his hand and the less seal of the Commonwealth, permit the said president, managers and company, or such person or persons as they shall from time to time appoint, as toll collectors, or their deputies to demand and receive tolls, at the rates hereinafter specified, of and from the persons having the charge of any boat, ark or other vessels passing through said canal, and when the whole of the said canal or navigation shall be completed, the said president, managers and company shall give notice thereof to the Governor, who shall appoint three persons who shall view, examine and report as aforesaid; and if their report shall be that the said canal or navigation is exe-

cuted in a workman like manner, according to the true intent and meaning of this act, then the Governor shall, by license issued as aforesaid, permit the said president, managers and company, or such person or persons as they shall from time to time appoint as aforesaid, to demand and receive tolls of and from the persons having charge of any boat, ark, or other vessel passing through said canal: *Provided*, That the tolls on the said canal, when completed, shall not at any time exceed the following rates, to wit: On iron and coal seven and one half mills per ton per mile, and the tolls on all boats and other articles or things transported on said canal shall be fixed and regulated by the said company. Proviso
Tolls

SECTION 12. The toll collectors appointed as aforesaid, shall and they are hereby authorized not to permit the passage of any boat or vessel through the said canal, until the tolls are first paid and discharged by the owner, shipper or supercargo, or may bring suit for the same against said owner, shipper, supercargo, or captain, before any competent tribunal, according to law, in the name of the said company. Toll collectors

SECTION 13. 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 subscribers, 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 moneys by them expended in the prosecution of the said works, a copy of which shall be filed in the Auditor General's office, under oath, and shall in every year submit such accounts to the stockholders at their annual meeting to choose officers of the company, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation, or when the capital stock subscribed shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said navigation, according to the true intent and meaning of this act, 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 may be deemed 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 hereinafter provided for the original subscription, or as shall be provided by their by-laws. Accounts
Submitted to
stockholders

SECTION 14. The said president, managers and company shall also keep a just and true account of all the moneys received by their several and respective collectors by tolls and other emoluments, and shall make and declare a fair dividend of the clear Accounts of
money from
collectors

profits and income thereof among all the stockholders, all contingent costs and charges being first deducted, and shall, on the second Monday in November and the second Monday in May, every year, publish the half yearly dividends made of the clear profit, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly; that on the first Monday in February of every year, after the date of this incorporation, there shall be furnished to the legislature an abstract of the accounts of the company showing the whole amount of their capital actually paid in, the amount of transportation in each year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by oath or affirmation of the president of the company for the time being.

**Manner of
construction**

**Causeways
&c**

SECTION 15. The said canal shall be so constructed as not to obstruct or impede the use or passage of any public road or roads which may cross the same, and being now laid out, and in all places where said canal may cross or interfere with any public road now laid out, it shall be the duty of said company to make, or cause to be made, a good and sufficient causeway, or bridge, to enable persons passing or travelling such public roads to cross or pass the said canal, which causeways and bridges shall be made and maintained by the said company, and if the company shall neglect or refuse to make such causeways or bridges as soon as practicable, or, when made, to keep them in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused, after having been notified in writing, to be recovered by the supervisors of the township with costs, for the use of the township, as debts of a like amount are by law recoverable, and shall moreover be liable to an action or actions at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of the said company, shall be as good and available in law as if served upon the president thereof.

Bridges

Proviso

SECTION 16. For the accommodation of all persons owning or possessing lands, through which the said canal may or shall pass, it shall be the duty of said company when required, to make or cause to be made a good and sufficient bridge or bridges wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the said canal with wagons, carts and implements of husbandry as the occasion may require: *Provided*, That said company shall in no case be required to make or cause to be made, more than one bridge on each plantation or lot of land for the accommodation of any one person, owning or possessing lands

through which the said canal may pass, and where any public road shall cross the said canal, the person owning or possessing the land through which the said canal may or shall pass, shall not be entitled to make such requisition on said company, and the said bridge or bridges when so made and constructed, shall be maintained and kept in repair by the said company, and if the said company shall refuse or neglect to make such bridge or bridges, or when made to keep the same in good repair when duly notified thereof, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered before any justice of the peace, or court having cognizance thereof, and the service of process upon any officer or agent of the said company, shall be good and valid in law, as if served upon the president thereof: *Provided*, That the owner or owners of land through which said canal passes, shall not be prevented from constructing bridges over said canal, agreeably to the form and position of the bridges constructed by said company. Provide

SECTION 17. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action have accrued, and the defendant or defendants in each suit or action may plead the general issue, and give this act the special matter in evidence, and that the same was done in pursuance and by authority of this act. Suits

SECTION 18. If any person or persons shall wilfully and knowingly break, injure and destroy the banks, locks, or other part of said canal, or any edifice or device, or any part thereof, to be erected by said company in pursuance of this act, he, she or they shall for every such offence forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt in the name and for the use of said company, and shall also be subject to indictment in the court of quarter sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court. Penalty for
injuring
works

SECTION 19. The said company shall cause to be built and kept in repair schutes at the dams at Athens, Towanda and Nanticoke, so that the navigation of the river shall not be impeded by the erection of said dams more than what is unavoidably necessary, and if the said company shall neglect or refuse to make such schutes as soon as practicable, or to keep them in repair when made, they shall be liable to a penalty of twenty dollars for every day the same shall be neglected or Schutes to
dams at
Athens Tow-
anda & Nan-
ticoke

Damages

refused, after having been notified in writing, to be collected by the same persons for the same use and in the same manner as the penalty imposed by the fifteenth section of this act; and the said company shall be further liable for the payment of all damages done to arks, boats or rafts, sustained in consequence of such neglect or refusal, to be collected as debts of similar amount are by law recoverable, for the use of the owners of such arks, boats and rafts.

Banking prohibited

SECTION 20. That the said company shall not have or exercise any banking privileges, or carry on any manufacturing or mining operations.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The twenty-second day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 122.]

AN ACT

To reduce the Capital of the Southern Insurance and Trust Company, of Philadelphia, and for other purposes.

Reduction of capital

Proviso

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 the president and directors of the Southern Insurance and Trust Company, of Philadelphia, be and they are hereby authorized and empowered to reduce the capital stock of said company to one hundred and twenty-five thousand dollars, and to divide the same into shares of fifteen dollars each: *Provided,* That such reduction of capital shall not be made so as to impair the liability of the present capital stock of the company to any person or persons holding contracts with the company, for which the present capital