

Charles Loeser and Mary, his wife ; and shall be able and capable in Legitimated. law, to inherit and transmit any estate whatsoever, (or her equal share in case the said Charles and Mary have issue during coverture, to survive them,) of which the said Charles Loeser and Mary, his wife, may die seized.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 326.

AN ACT

To incorporate the Gunners' Run improvement 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* Abraham P. Eyre, Samuel Norris, George Ball, Michael Barron, Commissioners. George T. Lewis, William J. Emlen, John Robbins, junior, Peter Rambo, Peter Fisher, Charles Clark, Jacob Collar, Dennis Lamont, James Flanagan, Philip Miller, John Carroll, Godfrey Metzger, John Smith, William Hall, Henry Hupplet, Edward M'Coy, Richard Bacon, William Clathier, Joseph M. Ritterson, John Smith, Andrew Hague, Samuel T. Bodine, Elijah Tyson, Edmund Taylor, Jacob Painter, Joseph P. Fidler, Henry Keyser, Joseph Albertson, Philip Duffy, Oliver Evans, George Funk, James Martin, William T. Blackman, Richard W. Eyre, Conrad Bossard, Jacob Robson, Thomas M. Scott, Samuel Sharpless, Thomas Vaughan, Charles Hitchcock, Frederick Rotan, senior, Anthony Meiskey, Edward Y. Farquarhar, Thomas W. Duffield, Luke V. Sulphin, Jesse C. Richardson, Jesse H. Flichtcraft and E. O. Jackson, or a majority 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 Monday of May next, procure books, one or more of which shall be opened at some convenient place or places in the city or county of Philadelphia, in which the following shall be written: "We whose names are here- Form of sub- unto subscribed, do promise to pay the Gunners' Run improvement scrip- tion. company, one hundred 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 said company, in pursuance of an act to authorize the governor to incorporate the Gunners' Run improvement company. Witness our hands and seals, this day of , Anno Domini one thousand eight hundred and forty- ;" and shall thereupon give

To open books. notice, in at least two newspapers in the city of Philadelphia, for two successive weeks, of the times and place or places, when and where the books are to be opened to receive subscriptions for the stock of the said company; and it shall be the duty of at least three of the said commissioners to attend at such times and places, and permit all persons of lawful age to subscribe in said book, in their own names or in the names of such persons as shall authorize the same, for any number of shares in the said stock; and the said books shall be kept open for the purpose aforesaid, for at least four hours in each day, for three days, or until there shall be subscribed one thousand shares; and if at the expiration of the said three days, there shall not be subscribed the number of shares aforesaid, the said commissioners may adjourn from time to time, until the whole number of one thousand shares shall be subscribed, of which adjournment the commissioners shall give such notice as they may think reasonable; and when the whole number of one thousand shares shall be subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other persons name, shall previously pay to the attending commissioners the sum of five dollars on each share to be subscribed, out of which shall be defrayed the expenses attending the taking of the subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the company as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Proviso.

Letters patent. **SECTION 2.** When the said one thousand shares shall have been subscribed, and the sum of five dollars paid on each share, the commissioners, or any three 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 a body politic and corporate, by the name, style and title of the *Gunners' Run improvement company*; and by the same name the said 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 purchasing and holding to them, their successors and assigns, in fee, or for any less estate, such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their business; and of suing and being sued, and do all other things which a body politic and corporate may lawfully do; and of borrowing such sum or sums of money on loan, from time to time, as may be necessary to enable them to finish their work or put the same in repair, and of giving mortgages, certificates and other evidences and securities therefor; the said loan or loans to be convertible or not convertible into stock, as shall be agreed upon between said company, and the lender or lenders.

Organization. **SECTION 3.** The commissioners hereinbefore named, or a majority of them, shall, as soon as conveniently may be after the said letters patent have been obtained, give at least ten days' notice, in two daily papers of the city of Philadelphia, of the time and place by them appointed, for the subscribers to meet in order to organize said company, and to choose by a majority of votes of the subscribers, given in person, or by proxy duly authorized, one president, seven managers and a treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the third Monday of January next ensuing, and may make then, or at any subsequent meeting, such by-laws, rules, orders and regulations, as do not contravene

the constitution and laws of the United States or of this state, as may be necessary to the government of the affairs of the said company.

SECTION 4. The stockholders shall meet annually on the first Monday of January, in every year, at such place as may be fixed on by the board of managers, of which not less than ten days' notice shall be given by the treasurer, in at least two daily newspapers of the city of Philadelphia, and choose by the votes of a majority of those present, in person, or by proxy as aforesaid, the officers of the said corporation, who shall continue in office one year, and until others be chosen: *Provided always*, That no one person shall be entitled to more than fifty votes at any election or meeting, whatever number of shares he or she may hold; and that each person shall be entitled to one vote for each share held by him or her, not exceeding that number. Annual meeting.
Proviso.
Votes.

SECTION 5. The said president and managers shall meet at such times as shall be found by them most convenient, and when met five shall form a quorum, who, in the absence of the president, shall choose a chairman and keep minutes of all their proceedings, and a quorum being formed, shall have power to appoint surveyors, engineers, superintendents, and all other artists and officers necessary to carry on the intended works; to fix their salaries and wages; to ascertain the times, manner and proportions in which the stockholders shall pay the moneys due on the respective shares; to draw orders on the treasurer: *Provided*, Such orders be signed by the president, or in his absence, by a majority of the quorum present, 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 authorized to do: *And provided further*, That nothing contained in this act, shall in any way interfere with the authority and powers granted to the commissioners of the Kensington district, by the acts of assembly relating to said district. Quorum.
Powers of board.
Proviso.
Proviso.

SECTION 6. The president and managers shall, as soon as convenient, procure certificates or evidences for the stock of the said company, and shall deliver one such certificate, signed by the president, countersigned by the treasurer, and sealed with the corporate seal of the company, to each person, for such share or shares of stock by them respectively subscribed or held, he, she or they paying five dollars on account of each share, which certificate or evidence of stock, or any share or shares thereof, shall be transferable at his, her or their pleasure, in person, 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 on the books of the company kept for the transfer of stock, shall be a member of said corporation, and be entitled to the estates, emoluments and dividends of the said company incident to their respective shares, and to vote as aforesaid at the meetings thereof; and to be subject to all the penalties and forfeitures, and to be sued for all balance and penalties due on such share, as the original subscribers would have been. Issue certificates of stock.
Transferable.

SECTION 7. If after thirty days' notice in the newspapers as aforesaid, of the time and place so appointed for the payment of any proportion or instalment at the place appointed, for the space of twenty days after the time so appointed, every such stockholder, or his or her 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 payment 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 Payment of instalments.

- 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 any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalties as 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 twenty days previously to the said election or meeting.
- Proviso.**
- Construct a canal** SECTION 8. The said president, managers and company shall construct a canal, not exceeding one hundred feet wide, commencing at the north-west side of Queen street, on Gunners' run, in the district of Kensington, and to terminate at a point at or near where the Philadelphia and Reading railroad crosses said Gunners' run, so as to be supplied, for its purposes, with tide water, in such manner as to admit of basin, docks, wharves and places of deposit, being constructed by the owners of the adjoining soil, with the right of attaching and discharging boats at any point on said canal, and tide lock or gate, not less than twenty-four feet wide, and at least one hundred and fifty feet in length, at or near Queen street, and from Queen street to the river Delaware, a canal not exceeding sixty feet wide: *Provided*, There shall be left sufficient space, at all times, for the free passage of all boats and rafts in said canal: *And provided also*, That the board of commissioners of the Kensington district, hereby have the power and authority to make any changes in the grades of the streets or water courses, which may be required by the construction of said canal.
- Proviso.**
- Proviso.**
- Enter upon lands.** SECTION 9. The said president, managers and company shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, after paying the damages to be assessed or agreed on, as hereinafter provided, to enter into and upon, and occupy for the purpose, all the land north-west of Queen street, be necessary and suitable for constructing said tide lock canal, terminating at a point at or near which the Philadelphia and Reading railroad crosses said creek, doing as little damage as possible thereto, construct and erect said canal, first satisfying the owners thereof, for the damage caused by constructing the said canal; but if the parties cannot agree upon the compensation to be made to such owner or owners, then it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside in the city or county of Philadelphia, or if they cannot agree upon such persons, then either of the parties may apply to the court of common pleas of the county of Philadelphia, and the said court shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of said canal passing through his, her or their land; which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment of the sum awarded, with reasonable costs, to be assessed by the court; and it shall be the duty of the jury, or the six appraisers as the case may be, in valuing damages, to take into consideration the advantages derived to the owner or owners of the premises, from the canal passing through the same: *Provided*, That either party may appeal to the court within thirty days after such
- Damages, how to be assessed and paid.**

report may have been filed in the prothonotary's office of the said court, in the same manner that appeals are entered in other cases : *And provided also*, That if any person owning land or other property, which may be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then and in either of the said cases, the said company shall represent the same to the said court, and they shall proceed in the manner aforesaid, after such notice as they may think proper, in the public papers or otherwise, to have the damages, if any, assessed or paid, or secured to their satisfaction, before entering upon or commencing operations on any part of the said canal : *Provided*, That so much of said canal as is located south of Queen street, shall not exceed sixty feet in width. Proviso.

SECTION 10. That before doing any work on the proposed canal, the said company shall cause an accurate draft to be made of the courses and distances, from the head of the said Gunners' Run improvement, to the mouth of said Gunners' run, at lowest water mark, to be certified by the surveyor or regulator of the district of Kensington, and deposit the same in the office for the recording of deeds in the county of Philadelphia ; and the said draft, or a certified copy thereof, shall be evidence of the course of said Gunners' run, in all questions of boundary, in any court of this commonwealth ; and the said Gunners' run is hereby vacated as a public highway. Draft.

SECTION 11. As soon as the said company shall have completed the said canal and navigation, they shall 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 canal and navigation is executed in a workmanlike manner, according to the true intent and meaning of this act, and if their report shall be favorable, the governor shall, by license under his hand and the lesser seal of the commonwealth, permit the said corporation, by such persons as shall from time to time be appointed as aforesaid, as toll collectors or their agents or deputies, to demand and receive toll of, and from persons having the charge of any boat, ark or other vessel passing through the said canal : *Provided*, That the legislature hereby reserve the right to change and regulate the tolls which may be established by said company upon said canal. Governor to appoint viewers.
License to take toll.
Proviso.

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, or any part thereof, until the tolls fixed by the said company, are first paid and discharged by the owner, skipper or person having the charge thereof, or may bring suit therefor against the owner, skipper or person having the charge thereof, before any competent tribunal, in the name of the said company. Toll collectors.

SECTION 13. 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 said subscription, and for all penalties for delay in the payment thereof, and the profits on the shares that may be forfeited, and of all moneys expended by them in the prosecution of the said work, and shall in every year, submit such accounts to the stockholders at their annual meeting; and if it shall be found that the capital stock will be insufficient to complete the said canal, according to the true intent and meaning of this act, it shall and may be lawful for the said 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 deemed sufficient to accomplish the work, and Accounts of company.
Increase capital and stock.

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.

Dividends.

SECTION 14. The said company shall keep a just and true account of all moneys received by their several and respective collectors of tolls and other emoluments, and shall make and declare a dividend of the clear profits and income thereof among all the stockholders, all necessary expenses for repairs and other contingent costs and charges being first deducted; and shall, on the first Monday in February and the first Monday in August, in every year, publish the half yearly dividends made of the clear profits, and the time when and where the same will be paid to the stockholders, not exceeding ten days thereafter, and shall cause the same to be paid accordingly.

Commencement and completion of work.

SECTION 15. If the said company shall not proceed to carry on said work within one year from the passing of this act, and shall not complete the navigation as aforesaid in three years, according to the true intent and meaning of this act, then, and in either case, all and singular the rights, privileges, liberties and franchises hereby granted shall revert to the commonwealth.

Officers to give security.

SECTION 16. The said company may demand and take such security from their officers and agents, as may be fixed by the by-laws, for the faithful discharge of their respective duties.

Relative to building bridges, and paying the expenses thereof.

SECTION 17. That before the work at the canal shall be commenced within the Kensington district, the said company shall build a suitable, good and substantial bridge over the canal, where it shall intersect the Franklin avenue, the full width of the avenue, and be so constructed as shall not interfere with the necessary regulations of the said avenue, at their own expense, except so much of the cost as would have been necessary for a suitable bridge across the creek if no canal had been there, which amount the county commissioners shall pay; and the court of quarter sessions shall appoint five skillful mechanics to view and estimate the cost of said bridge, and determine what part thereof shall be paid by the commissioners aforesaid; and that the present bridge across the creek in Queen street, shall not be disturbed until the bridge at Franklin street shall be completed; and as soon as any of the other streets, that are now laid down upon the plan of the district, shall be fully opened for traveling, the company shall immediately build a bridge across the canal at the intersection of said street or streets, and shall be liable only for so much of the cost as would be over or more than what the bridges would cost the county, if the canal had not been made, and the extra cost shall be determined as hereinbefore provided: *Provided*, The board of commissioners of the Kensington district, shall have authority to decide and determine whether the bridges authorized to be erected to cross the said canal shall be permanent or draw bridges.

Proviso.

Stock subject to taxation.

SECTION 18. That the stock of said company shall be subject to taxation by this commonwealth, in the same manner as other similar property is or may be subject; and it shall be the duty of the said company to cause their treasurer, upon the declaration of any dividend, after the said work shall have been completed, to retain out of said dividend, and pay to the treasurer of this state, any tax to which said stock is or may be liable.

Limitations and restrictions.

SECTION 19. The said company shall not engage, directly or indirectly, in any banking, moneyed, commercial or manufacturing concern; and the legislature hereby reserve the right to alter, amend or annul this

act at any time, when in their opinion it shall become necessary for the public good, in such a manner as to do no injustice to the corporators.

JAMES COOPER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 327.

AN ACT

For letting out the collection of taxes in Springfield township, Bucks county, to the lowest bidder.

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 assessors of the townships of Springfield and Durham, in the county of Bucks, be and they are hereby authorized and required, on a day certain to be fixed by them respectively, of which at least fifteen days' public notice shall be given, to receive proposals, each stating the amount for which the proponent is willing to perform the duties of the office of collector for said township respectively; and thereupon it shall be the duty of the said assessors, at such time as is now fixed by law, to return the person offering to perform said duties for the lowest sum, to the commissioners of said county, who shall be appointed by them, the collector of taxes for said townships respectively; and shall perform the duties of their office for no other or greater fee than the sum which was by them proposed: *Provided,* If in the opinion of the said commissioners it shall be necessary, the said collectors shall give such security as is now required by law; and the amount constituting the difference between the amount of collectors fees now authorized by law, and the fees due the collectors under the contract entered into by virtue of this act, shall be paid to the respective district treasurers of the school fund, to be applied to common school purposes for said township.

SECTION 2. That so much of any former law as is hereby altered or supplied, be and the same is hereby repealed, so far as the same relates to the said townships of Springfield and Durham.

JAMES COOPER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.