

No. 34.

A FURTHER SUPPLEMENT

To an act authorizing the incorporation of the Monongahela navigation 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 the president and managers of the Monongahela navigation company be and they are hereby authorized to open books of subscription, at such places within the counties of Allegheny, Washington, Westmoreland, Fayette and Greene, as they may think proper to indicate, upon thirty days' notice, by publication in one or more newspapers published within each of said counties, for the purpose of enlarging their capital stock, so as to enable them to extend their improvement to the Virginia state line: *Provided,* The stock hereby authorized to be subscribed, shall not exceed two hundred thousand dollars.

Open books to receive new subscriptions.

Proviso.

SECTION 2. That as soon as three thousand additional shares shall be subscribed to the stock of the said company for the purpose aforesaid, it shall be the duty of the said president and managers to contract for the construction of so many additional locks and dams, as may be required to secure a sufficient slack-water navigation from the borough of Brownsville, to the said state line, or so many additional locks and dams as the amount of stock so subscribed, as aforesaid, shall, in their estimation, be sufficient to authorize them to place under contract.

Construct additional works, &c.

SECTION 3. That in the prosecution of said extension, it shall be lawful for the said company to increase the height of dam number four, not exceeding two feet, after the completion of lock and dam, number five, above Brownsville, and to construct the additional dams, in such manner and of such elevation, as they may deem expedient, having regard, however, to the natural formation of the banks; and making compensation for any damage, direct or consequential, which may be or has been occasioned to private property by the said dams, or those already constructed: *Provided,* That if the parties cannot agree in choosing five freeholders to view and assess the damages, the same shall hereafter be appointed by the court of common pleas of the proper county, and not by a justice of the peace, as is provided for in the eighth section of the act of incorporation, passed the thirty-first day of March, one thousand eight hundred and thirty-six: *Provided further,* That said jurors shall be citizens of the county in which said damages are alledged to have been sustained, but shall not live or own real estate within ten miles of said improvement, nor shall any of them be stockholders in said Monongahela navigation company: *And provided further,* That said company shall be liable for all consequential damages resulting to the owner or owners of real property situate upon either side of said improvement.

Increase height of dam No. 4.

Additional dams.

Proviso.

Proviso.

Proviso.

SECTION 4. That the tolls received upon, and revenues arising from that part of the work between Brownsville and the Virginia state line, shall form a separate and distinct fund, and the balance thereof, after payment of expenses and repairs on that portion of the work, shall be divided semi-annually, pro rata, amongst the stockholders, whose subscriptions may be applied, under this act, to the construction of the

Certain tolls to form a separate fund.

same, until the company shall have paid the debt incurred in the construction of the work below the borough of Brownsville; after which, the said tolls and revenues shall return to the common fund, and be distributed, with the other revenues of the said work, amongst all the stockholders thereof, in the proportion of the amount of stock held by them respectively: *Provided*, That the minimum through toll on the ascending transportation of passengers, produce and merchandize, destined to pass over any portion of the Baltimore and Ohio railroad, except coal and other minerals, shall not be less on said improvements, than may be charged for an equal distance on the Pennsylvania canal.

Proviso.

Enact rules.

SECTION 5. That the president and managers of the said company shall have power, from time to time, to make such rules and regulations as may not be inconsistent with the laws of this state, in respect to the weighing and inspecting of boats and other craft, and their lading, the collection of tolls, and all other matters connected with the use or navigation of their improvement.

Open books for subscription in Pittsburg.

SECTION 6. That the president and managers of the said Monongahela navigation company, be and they are hereby authorized to open books of subscription, at such time and place within the city of Pittsburg, as they may think proper to direct, upon at least thirty days' notice thereof, by publication in one or more newspapers in the cities of Pittsburg and Philadelphia, for the subscription of so much additional stock in the said company, as shall be required to pay and satisfy the debt incurred in the construction of that portion of their improvement which is already completed, over and beyond the amount of the capital stock already subscribed, paid in, and expended for the purpose; that the said books of subscription shall continue open, for the purpose aforesaid, for the space of twenty days, and if at the expiration of that time, the sum required shall not have been subscribed, it shall be lawful for the said president and managers, and they are hereby required to enter, to the credit of the holders of the present stock, in the books of the said company, an additional share of stock for each and every share by them respectively owned and held therein; upon which said additional share or shares, the treasurer of the said company shall, in lieu of all calls for the payment of any instalment or instalments thereupon, credit to the holders thereof, respectively, his, her or their pro rata proportion, according to the amount of stock by them respectively owned, of the amount applied, from time to time, out of the tolls, income, profits and revenues of the said company, toward the satisfaction of the principal and interest of the debts incurred in the construction of that portion of their improvement between the city of Pittsburg, and the borough of Brownsville; and as soon as the sum of fifty dollars shall be thus credited to each and every share of the said additional stock, it shall be the duty of the said president and managers to issue certificates therefor, to the persons who may then be the holders of the original stock, and entitled thereto respectively; and who shall thereafter vote, and be entitled to receive dividends upon the said new stock of the incomes or profits of the said company, as though the same had been originally subscribed at the opening of the books thereof: *Provided however*, That any and every transfer that may be made of the present or old stock, or any portion thereof, by any of the holders thereof, antecedent to the payment of the whole of the said sum of fifty dollars, upon each and every of the shares of the said new or additional stock, shall be held and construed to carry with it, the interest of the proprietor in the said new or additional stock, which, until that period, shall follow the ownership of the said original stock as an incident, or accessory thereto, and be inseparable therefrom: *Provided*, That when the dividends of

Amount to be credited to certain stockholders.

Proviso.

Proviso.

profits made by the company shall exceed ten per cent. per annum, on the amount of the capital stock representing the cost of the work, one half of the surplus, above ten per cent., shall be paid into the treasury of the commonwealth; and the clause in the fifteenth section of the original act of incorporation, requiring an annual statement to be made to the legislature, is hereby re-enacted.

SECTION 7. That the toll on coal shall not be raised by the company, Toll on coal. at any time, above the rates now charged on that article.

SECTION 8. That so much of any act or acts of assembly as may be Repeal. inconsistent with any of the foregoing provisions, be and the same is hereby repealed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 35.

AN ACT

To incorporate the Washington hall association of the borough and county of York.

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 George S. Morris, E. G. Smyser, Adam Klinefelter, Daniel Hartman, David Small, William Beitsel, Adam J. Glossbrenner, E. K. Ziegler, Matthew Tyler, Robert J. Fisher, Thomas P. Potts, Charles Shultz, William F. Shetter, John Fahs, Adam Worley, Henry Welsh, John J. Cochran, George Hammond, Daniel Ginder, Adam Ebaugh, Samuel Cross, George Dosch, Alexander Small and John Brillhart, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style and title of the "Washington hall association of the borough and county of York," Style. and by that name shall have perpetual succession, and be able to sue Privileges. and be sued, plead and be impleaded, in any court of law or equity, and to take and to hold to them and their successors, either by grant, gift, devise or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings, for the use of said association; and also to take and hold for the use of said association, any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain and