

**ACTS**  
OF THE  
**GENERAL ASSEMBLY**  
OF THE  
**COMMONWEALTH**  
OF  
**PENNSYLVANIA,**

PASSED AT A SESSION WHICH WAS BEGUN AND HELD

AT THE

**Borough of Harrisburg,**

ON

**TUESDAY, THE THIRD DAY OF DECEMBER,**

**IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO**

AND OF THE

**INDEPENDENCE**

OF THE

**UNITED STATES OF AMERICA**

**THE FORTY-SEVENTH.**

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PUBLISHED BY AUTHORITY.

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**HARRISBURG: . .**

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**1823.**

## CHAPTER LXXV.

## AN ACT

Declaring the streets, lanes and alleys in the town of Danville, in Columbia county, public highways.

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 the streets, lanes and alleys in the town of Danville, in Columbia county, are hereby declared public highways according to the plot of said town.

JOSEPH LAWRENCE, *Speaker*

*of the House of Representatives.*

WILLIAM MARKS, Junr.

*Speaker of the Senate.*

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER

## CHAPTER LXXVI.

## AN ACT

To enable the Governor to incorporate a company for making a Canal and Lock Navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire.

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 John Zinn, John Forster, Jacob M. Haldeman, Obed Fahnstock, John Capp, Samuel Pool, Peter Keller, Robert Harris, John B. Cox, Abraham Oves, Christian Gleim, John S. Wiestling, William Le Barron, Jacob Bucher and John Gingerich, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall procure a book or books and therein enter as follows:

Commissioners appointed to receive subscriptions of stock.

“ We whose names are hereunto subscribed, do promise to pay to the president and managers of the Harrisburg canal, fire insurance and water company, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be de-

terminated by the said president and managers, in pursuance of an act of the general assembly, entitled "An act to enable the Governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power for the said company to supply the said borough with water, and to insure against fire."

Witness our hands, the                                  day of  
in the year of our Lord, one thousand eight hundred and

**Notice of the  
time of open-  
ing books to  
be given.**

” And shall thereupon give notice, in the public newspapers printed in Harrisburg, and in such other newspapers as they shall think necessary, of the time and place, or places, (one or more of which shall be in Harrisburg,) when and where the said book or books shall be opened, to receive subscriptions for the stock of said company, at which time and places one or more of the said commissioners shall attend, and shall permit and suffer all persons, or bodies corporate, who shall offer to subscribe in the said book, or books, which shall be kept open for the purpose, at least six hours in every juridical day, for three days, if three days shall be necessary, and on the first of said days any person of the age of twenty-one years shall be at liberty to subscribe, in his own name, or in the name of any other person, or body corporate, by whom he shall be authorised, for any number of shares not exceeding ten; and on any succeeding day, while the said books shall remain open, for any number of shares of the said stock, and if, at the expiration of the said three days, the said book, or books, shall not have five thousand shares therein subscribed, the said commissioners may adjourn, from time to time and from place to place, until the said number of shares shall be subscribed; and when the number of shares aforesaid shall have been subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in the said book, or books, in his own name, or in the name of any other person, or body corporate, shall, previously, pay to the attending commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the said company as soon as the same shall be organised and the officers chosen, as hereinafter mentioned.

**Who may  
subscribe,  
&c.**

**Whole number of shares.**

**Proviso.**

## When letters patent may issue.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when fifty or more persons shall have subscribed not less than half the number of shares aforesaid, the commissioners aforesaid may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, and the amount paid on each share, to the Governor of this Commonwealth, and if it shall appear, from such certificate, that the subscriptions have been bona fide made, and the amount, called for at the time of subscription, actually paid, then the Governor shall, by letters patent, under his hand and the great seal of the state, create and erect the said subscribers,

and if the whole number of shares aforesaid be not then subscribed, then, also, all those who shall afterwards subscribe, to the number aforesaid, into one body politic and corporate, in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style and title of "The President and Managers of the Harrisburg Canal, Fire Insurance and Water Company;" and by such name the said subscribers, and such others as may thereafter become share holders, shall be capable of holding their said 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, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, goods, chattels, or effects, as shall be useful or necessary for them in the prosecution of their work, and the same to sell and dispose of, at their pleasure; and of doing every act, matter and thing which a corporation, or body politic, lawfully may or of right ought to do.

Style of the company.

Powers and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the seven persons first named in the said letters patent, shall, as soon as conveniently may be, give notice in the public newspapers printed in Harrisburg, and in, at least, one newspaper printed in each county in which the said books shall have been opened and subscriptions taken, (or if no newspaper be printed in any such county, they shall give notice in a newspaper printed nearest thereto,) and by at least three printed or written advertisements, set up in the most public places within such county, of a time and place by them to be appointed, not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy, one president, eight managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company, who shall continue in office until the next succeeding annual election, as hereinafter provided, and until such other officers shall be elected, and shall make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this state, as shall be necessary for the well ordering of the affairs of the said company: *Provided always,* That no person, or body corporate, shall have more than twenty votes, on his own account, in any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person, holding one or more shares, not exceeding the said number of twenty, shall be entitled to one vote for every share by him so held.

Mode of organising the company.

Officers to be chosen.

May make bye-laws, &c.

Provido.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers to cause a navigable canal, with such locks and other works as shall be necessary, and a road on each side thereof to

Canal to be made.



Route there- of. be made, commencing at the east side of the river Susquehanna, at some place between the house of the late John Carson, Esquire, and the end of the second Kittatenie mountain, from thence along or through the east side of the borough of Harrisburg, to the said river at the mouth of Paxton creek, or at some point between the same and Mulberry street, in the town of Harrisburg. But the president and managers of the said company, shall not erect any dam or other device in the said river Susquehanna, under the penalty of forfeiting their chartered privileges, unless by a special act of the legislature. And when the said canal shall be so made, to construct, erect and build such machinery and devices as may be necessary to conduct, by means of forcing pumps or otherwise, a sufficient quantity of water out of the said canal, through pipes, trunks or aqueducts, into a cistern or reservoir, not to exceed one hundred feet square, to be sunk or erected on the public ground near the state capitol, at such place as may be selected by the president and managers and approved of by the Governor, Secretary of the Land Office, and State Treasurer for the time being, for the purpose of supplying the said town therewith, to be used for extinguishing fires and for domestic and manufacturing use; and no part of the said reservoir or cistern shall be erected nearer than within one hundred feet of any of the public buildings. And the said company shall have privilege, when the said cistern or reservoir shall have been completed and filled with water, to convey by one or more pipes or aqueducts, as much water out of the same through the public ground and the several streets, lanes and alleys of the town as they may think necessary for the purposes aforesaid, to erect hydrants, and to alter, renew and repair any of the said works when necessary.

Not to erect any dam. &c.

Reservoir to be sunk or erected.

Privilege to convey water into the town &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That when the said water works shall have been completed and put into operation, the said company shall suffer individuals at all times to be supplied with water from the said hydrants and pipes for domestic and manufacturing use, for such reasonable compensation as shall from time to time be agreed on by the president and managers of the said company, and such individuals having due regard to the probable quantity of water which such individuals are likely to consume: *Provided,* That the several officers of government, the members of the legislature, and all such persons as are or shall at any time be employed by them or any of them, shall have liberty to take out of the said reservoir as much water as they may respectively want, without paying any thing therefor.

Individuals to be supplied with water.

Compensation.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the stockholders of the said company, shall meet on the first Monday of August in each year hereafter, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they

Time for holding annual election.

shall be assembled by the managers in such manner and form as shall be prescribed by their bye-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act. If it shall happen that an election of president and managers be not made on the day above prescribed, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day within sixty days thereafter, to hold and make an election in such manner as the bye-laws and ordinances of the corporation shall prescribe. In case of the death, resignation, removal from the state, or inability to act, of the president or any of the managers, the board of managers shall choose another to supply his place.

Powers of stockholders.

If no election be held, corporation not to be dissolved.

Vacancies how supplied

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meetings five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book or books to be kept for that purpose, and a quorum being met, they shall have full power and authority to agree with and appoint all such officers, artists and workmen as they shall judge necessary to carry on the intended works, and to fix their salaries or other wages, or compensation, to ascertain the times, manner and proportions when, and in which the stockholders shall pay the monies due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all monies necessarily expended, which orders shall be signed by the president, or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters and things as by the bye laws, orders and regulations of the company shall be committed to them.

Duty of the president & managers.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said president and managers shall procure certificates to be printed or written, for the shares of the capital stock of the said company, and deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the corporation to each person, for every share by him subscribed and held, or at his election, for any number of shares by him subscribed and held, which certificate shall be transferable by him at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject, however, to all payments due and 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 that purpose, shall be a member of the corporation, and entitled to all the privileges and emoluments of the said company, and to vote as aforesaid at the meetings thereof: *Provided,* That to

How certificates of stock shall issue.

How transferable.

entitle the transferee to a vote as aforesaid, the transfer shall have been made three months previous to such election.

Penalty for neglecting to pay instalments.

When shares shall be forfeited.

May enter upon lands to procure materials.

Making amends for damages.

How damages are to be ascertained.

Right of appeal.

Authority to contract for and purchase lands, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in the manner prescribed by the third section of this act, of the time and place appointed for the payment of any proportion of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the place appointed for the space of twenty days after the time so appointed for the payment thereof, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per centum per month for every delay of such payment. And if the same and the said additional penalty shall remain unpaid for such a space of time, as that the accumulated penalties shall be equal to the sums already paid on account of the said share, then the said share and all the monies thereon paid, shall be forfeited to the company, and may be sold by them to any person or persons willing to purchase for such price as can be obtained therefor.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, by and with their officers, artists and workmen, with their tools and implements, carts, waggons, carriages and beasts of draught and burden, to enter upon the lands, in, over, contiguous and near to which the route and tract of the said intended canal shall pass, first giving notice of their intention to the owners or possessors thereof or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages, which any person may thereby sustain, or by taking away stone, earth or other materials, which shall be ascertained by three disinterested persons, to be mutually chosen by the parties, or if they shall neglect or refuse to join in the choice, then by three disinterested persons to be appointed by any two justices of the peace in the county of Dauphin; and after the men appointed as aforesaid, shall have ascertained the amount of damages due to the injured party, they shall make out an award thereof under their hands and seals, and deliver the same to a justice of the peace, in and for the county of Dauphin, and it shall be the duty of said justice, after giving due notice to the parties interested in said ward, to enter judgment thereon in his docket, either party having the right to appeal within twenty days to the court of common pleas of said county, in the same manner as appeals are allowed in other cases.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting the said canal, and of erecting and establishing all the necessary locks, works, roads and devices, to such a navi-

gation belonging, and of erecting and establishing water works and manufacturing establishments on the said canal, if they can agree with such owners, but in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos mentis, or out of the state, or otherwise incapacitated to convey, then it shall and may be lawful to, and for the said president and managers to apply to the judges of the court of common pleas of Dauphin county, who, upon such application, are hereby authorised, empowered, enjoined and required to frame and issue one or more writ or writs, as occasion shall require; in the nature of a writ of ad quod damnum, to be directed to the sheriff of the said county, describing the same, and naming the owner or owners thereof; and commanding the said sheriff, that by the oaths and affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers, or which shall be injured by the establishment of the said canal, will suffer and sustain any, and what damages, by reason or means of taking any such lands, tenements, or other real hereditaments, necessary for the use of the said canal and navigation, and the locks, roads and works thereto belonging, or for the use of the said water works and manufacturing establishments, and to return the same writ, together with the finding of the said jury, to the next court of common pleas to be held for the said county, after such finding. And upon such writ being delivered to the said sheriff, he shall give at least ten days notice in writing, to the parties in the said writ named, or their representatives, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck jurors usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in the said writ specified, and a true verdict give according to the best of their judgment and ability, without favor or partiality to any. And thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements or other real hereditaments in such writ specified, and having considered the quantity and quality of so much as shall be necessary to be vested in the said company, for the purposes aforesaid, and the advantages which will accrue to the owners of such lands, by the digging and perfecting the said canal, as well as the disadvantages which shall be occasioned to them thereby, they shall cause the same to be minutely and exactly described by meets and bounds, or other particular descriptions, and shall value and appraise the injury and damages which the owner or owners of such lands, tenements, hereditaments or other improvements, will, according to the best of their skill and judgment, sustain and suffer, by means of the same being vested in the said company, defining and ascertaining, as well all such lands and tenements, liberties and privileges so to be vested in

Mode of proceeding where parties cannot agree.

the said company, as the several sums at which the said injuries and damages shall be so assessed, and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same, together with the said writ to the office of the prothonotary of the said county, and at the first court which shall be held in the said county next after the return of any such writ, the judges of the said court shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficient to ascertain the lands and tenements, rights, liberties and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said company paying to the owners as aforesaid, the several sums of money in the said inquisition, assessed, or bringing the same into court for the use of such owner, and also paying the costs of the said writ, and of executing and returning the same, shall be entitled to have and to hold to them and their successors and assigns for ever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof, and if any return so to be made shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition *de novo*: *Provided*, That no water shall be taken from the said canal through the land of any person or persons, nor shall any water works or manufacturing establishments be made or erected on the land of any person or persons, without the consent of the owner or owners thereof: *And provided further*, That it shall and may be lawful for the commissioners herein named, or a majority of them, to enter into contracts with the owner or owners of any land or lands through which the said contemplated canal may pass, fixing therein the price per acre to be given by the company when incorporated, for said lands, which contracts shall be filed in the office of the prothonotary of Dauphin county, and if the same shall be approved and accepted by the president and managers of the company, they shall be binding and conclusive between the parties.

SECT. 12. *And be it further enacted by the authority aforesaid*, That whenever the said canal shall cross any public or private laid out road, or highway, or shall divide the grounds of any person into two parts, so as to require a bridge to cross the same, the jury who shall inquire of the damages to be sustained, in manner herein before directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a bridge, and on such finding, the president and managers shall cause a bridge, fit for the passage of carts, waggons and other carriages, to be built, and forever after maintained and kept in repair, at all and every the places so ascertained by the said jury, at the costs and charges of the said company.

Proviso.

2d Proviso.

Where and in what cases bridges are to be erected.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That if the said company, after admitting any boats, rafts, or craft of any kind, to enter the said canal, at the head thereof, shall not, by locks or other devices, provide and maintain an easy, safe and ready passage for the same, through the said canal, into the Susquehanna, at some point between Mulberry street, in the borough of Harrisburg, and the mouth of Paxton creek, the said company shall forfeit and pay to the party injured, for every day's detention, the sum of fifty dollars, to be recovered as debts of the same amount are, or shall be by law recoverable, together with all legal costs.

Penalty for  
detaining  
boats, rafts,  
&c.

**SECT. 14.** *And be it further enacted by the authority aforesaid.* That it shall be lawful for the said president and managers, so soon as the said canal and navigation shall be perfected, to appoint such and so many collectors of tolls, for the passage of boats, vessels and rafts, in, through and along the same, and in such places, as they shall think proper; and that it shall and may be lawful for such toll collectors, and their deputies, to demand and receive, of and from the persons having charge of all boats, vessels and rafts, passing through the said canal and the locks thereto belonging, such tolls and rates for every ton weight of the ascertained burthen of the said boats and vessels, and for every hundred feet, cubic measure, of timber, and twelve hundred feet, board measure, of boards, plank and scantling, in rafts, as the said president and managers shall think proper, at any lock, or other convenient place, at the said canal: *Provided,* That the amount of the said tolls shall not, in the whole, exceed the rate of three cents per mile for every ton of the burthen of such vessel, and for every hundred feet, cubic measure, of timber, and twelve hundred feet, board measure, of boards, plank, or scantling.

Collectors of  
tolls to be  
appointed.

Rates of toll.

Proviso.

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of rafts and the tonnage of boats, using and passing the said canal navigation, and to prevent disputes between the supercargoes and collectors of tolls respecting the same, upon request of the owner, skipper, or supercargo of such boat or raft, or of the collector of the said tolls, it shall be lawful for each of them to choose one skilful person to measure and ascertain the size of the said rafts, or the number of tons which the said boat or vessel is capable of carrying, and to mark the said tonnage, so ascertained, in figures, upon the head and stern of the said boat, in colors mixed with oil; and that the said boat or vessel, so measured and marked, shall be permitted to pass through the said canal and locks, for the price which the number of tons, so marked on her, shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper, or supercargo of such boat or vessel shall decline choosing a person, resident within two miles of the place where such tolls are payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and as-

Mode of as-  
certaining  
the size of  
rafts and ton-  
nage of boats..

certained by the person appointed for that purpose, by the president and managers, or chosen by the said collectors of tolls for the said company, and the toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the place where such toll shall be made payable by the said company.

Power of collectors where tolls are refused to be paid.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the collectors of tolls, duly appointed, may stop and detain all boats and vessels, using the said canal and navigation, and also, all rafts passing the same, until the owner, skipper or supercargo thereof shall pay the toll, so as aforesaid fixed, or on default thereof, may distrain part of the cargo therein contained, or a part of such rafts, sufficient, by the appraisement of two credible persons, to satisfy the toll, which distress shall be kept by the collector of the toll taking the same, for the space of five days, and afterwards sold by public auction, at some place in the neighborhood, in the same manner and form as goods distrained for rent are by law made saleable, rendering the surplus, if any there be, after payment of the said toll and the costs of distress and sale, to the skipper, supercargo, or owner thereof.

Treasurer and other officers to give security.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company, may demand and require of and from the treasurer, and of and from all and every other the officers and other persons by them employed, bonds in sufficient penalties and with sureties, 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.

Fair and just accounts to be kept by the company.

SECT. 18. *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 monies received by them from the subscribers to the said undertaking, for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended, and on what account the same were expended; and shall, at least once in every year, submit such account to a general meeting of the stockholders, until the work shall be completed, and until all the costs, charges and expenses of effecting the same, shall be fully paid and discharged, and the whole amount of the said expenses adjusted and settled.

Penalty for injuring works.

SECT. 19. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy, or in any manner injure, the canal, locks, pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said corporation, to be erected in pursuance of this act, shall, on being convicted thereof, before any justice of the peace of the county of Dauphin, by the oath or affirmation of one or more credible witnesses, pay a fine of not less than five, nor more than twenty-five dollars, one-half to the use of the poor of the borough of Harrisburg, and the other half to the informer, and shall more-

How applied.

over be liable for all damages, to the said company, to be recovered as debts of equal amount as by law recoverable.

SECT. 20. *And be it further enacted by the authority aforesaid,* That when the sum of twenty thousand dollars, part of the capital stock of the said company subscribed and paid in, shall be set apart and held by the president and managers of said company, as a fund to be applied to the payment of losses, in cases of risks of insurance against fire, and the president and managers are hereby authorised to invest the said sum of twenty thousand dollars in any public stock of this state, or the United States, as a fund to be applied as aforesaid, to take risks of insurance against fire; and all policies shall be subscribed by the president, as president of the "Harrisburg Canal, Fire Insurance and Water Company;" and all losses arising on any policy, so subscribed, shall be adjusted by the president and board of managers, and paid agreeably to the terms of the policy, out of the funds of the company; and in all cases of claims, for losses, which the president and managers may not think the company liable for, they are hereby bound, under a penalty of five hundred dollars, to submit the decision thereof, within one month after due notice from the claimants, to three or five respectable arbitrators, to be chosen, one or two by each party, and a third or fifth, by those two or four, and their award shall be binding on the company and the assured; it being hereby declared and made known that the members of this said company shall not be liable to any loss, damage, or responsibility, in their persons or property, other than the property they may respectively have invested in the capital and funds of the company.

When company may take risks of insurance against fire.

Policies how to be subscribed.

Losses how paid.

Proceedings in case of disagreement.

SECT. 21. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said company, in manner aforesaid, to insure the buildings or property of any individual member of the company, in the same manner and to the like effect, as if the said member had no interest in the company.

Property of members of the company may be insured.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the president and managers shall keep a just and true account of all and every the monies received by them, by the treasurer and by the several and respective collectors, arising from tolls, water rents, insurance or otherwise, and of the monies expended, and shall make and declare a dividend of the receipts, profits and income thereof, (all contingent costs and charges, also all monies received as premiums on risks, which shall be undetermined and outstanding, at the time of declaring such dividend, being first deducted,) among all the stockholders respectively; and shall, on the first Monday of January and July, in every year, publish the half yearly dividend, to be made of the said clear profits and income, to, and among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided,* That dividends shall, in no case, exceed the amount of the nett profits actually acquired and received by the company, so that the capital stock shall never thereby be impaired: *And provided further,* 2d *Provided,*

Accounts to be kept and dividends declared.

Proviso.

2d Proviso.



That no person shall be entitled to any share of the dividends declared, who has not paid such amount of stock, held by him, as has been required by the president and managers.

Not to exercise banking powers.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the said company shall not have power to issue any orders or notes, in the nature of bank notes, to be endorsers on any note or notes, in their corporate capacity, or to make discounts, or receive deposits, after the manner of any bank or banks; and in case the said company should, at any time hereafter, act contrary to the provisions contained in this section, their chartered privileges shall be null and void.

Time for completing canal, &c.

SECT. 24. *And be it further enacted by the authority aforesaid,* That if the company, to be incorporated by the provisions of this act, shall not, within seven years from and after the date thereof, erect and complete a canal and lock navigation, as well as the water works described by this act, then all the privileges, hereby granted, shall cease and determine.

When privileges, &c. may be resumed by the legislature.

SECT. 25. *And be it further enacted by the authority aforesaid,* That if the said corporation shall, at any time hereafter, misuse and abuse any of the chartered privileges hereby granted, the legislature may, at any time thereafter, resume all and singular the rights, liberties, privileges and franchises, hereby granted to the said company.

JOSEPH LAWRENCE, *Speaker*  
of the House of Representatives.

WILLIAM MARKS, Junr.  
*Speaker of the Senate.*

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

## CHAPTER LXXVII.

### AN ACT

For the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia.

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 Algernon S. Logan, John L. Williams, Isaac Michener,