

No. 189.

AN ACT

To authorize the governor to incorporate a company for improving the navigation of Mahoning creek.

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*

Commissioners. J. W. Jenks, William Campbell and James Tarrence, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first of August next, procure a sufficient number of books, which shall be opened at some place or places in the township of Young, in the county of Jefferson, and in the township of Mahoning, in the county of Indiana, and in each of them enter as follows: "We, whose names are here-

Form of subscrip- unto subscribed, do promise to pay to the president and managers of the Mahoning navigation company, the sum of twenty-five dollars for every share of stock in said company 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 of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate a company for improving the navigation of the Mahoning creek.' Witness our hands this

Notice of sub- day of in the year of our Lord, one thousand
scription. eight hundred and ;" and shall thereupon give notice, in at least one newspaper printed in the county of Jefferson, and one in the county of Indiana, for one calendar month at least of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places at least one of the commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the name or names of any other person or persons who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of ten days, or until there shall be subscribed in said books a sufficient number of shares to complete said work; and if at the expiration of ten days the books aforesaid shall not have the number of two hundred shares, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the two hundred shares aforesaid shall be subscribed: *Provided always,* That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioner the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of 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 hereinafter mentioned.

Proviso.

SECTION 2. That when ten persons or more shall have subscribed sixty shares or more of said stock, the commissioners may, or when the whole number of shares aforesaid shall be subscribed, the commis-

sioners, or a majority of them, shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon, it shall and may be lawful for the governor, by letters patent, under his hand and the seal of this commonwealth, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Mahoning navigation company;" and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be necessary to fulfil the intention of this act; and of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Powers, &c.

SECTION 3. That the three persons first named, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least twenty days notice in one or more of the public newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy duly authorized, which proxy shall have been obtained, and bear date within twelve months previously to the election at which such proxy shall be presented, one president and eight managers, a treasurer and secretary, and such other officers as shall be deemed necessary to conduct the business of the said company for one year, and until like officers shall be chosen, who may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States, or of this state, and may be necessary for the well governing the affairs of the company.

Organization.

Proxies.

SECTION 4. That a public meeting of the stockholders shall be held on the second Monday of September, in every year, at such place and upon such notice as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and for the determination of any questions affecting the interests of the company.

Annual meetings.

SECTION 5. That the president, managers, and company aforesaid, shall have power to open a complete slack water navigation on the aforesaid Mahoning creek, by erecting dams to raise the water of said creek for descending navigation; and the president and managers and company, shall have power to erect slopes or sluices at any of the mill dams now built, and remove the rocks or natural obstructions out of said creek, so that rafts, boats, arks and other vessels, can pass with safety.

Slack water navigation.

SECTION 6. The president, managers, and company aforesaid, shall possess like powers, privileges and authorities, and be subject to the same penalties, provisions and restrictions, as are granted to and imposed upon the president, managers and company of the Neshaming lock navigation, and shall be entitled to receive, for the whole distance of the said creek, tolls not exceeding the rates following, to wit: For every thousand feet of boards or scantling twenty-five cents, every thou-

Powers, privileges, authorities, &c.

Proviso.

sand shingles ten cents, every ark two dollars, every boat two dollars, every saw log two cents, every one hundred feet of hewed or sawed timber twelve and a half cents: *Provided always*, That any notice required to be given shall be deemed sufficient, if given in one or more of the newspapers printed in the counties of Jefferson and Indiana: *Provided also*, That nothing in this act contained shall authorize said company to injure or impair any mill dam or dams, erected on said creek, prior to the time the same was declared a public highway.

Repeal.

SECTION 7. That if it shall at any time appear that the charter and privileges granted, in pursuance of this act, are injurious to any of the citizens of this commonwealth, the legislature shall have full power to revoke and annul the same at any time they may think proper.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 190.

A N A C T

To create a third battalion out of the second regiment, second brigade, eighth division of the Pennsylvania militia, in the county of Luzerne.

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 eighth and tenth companies of the second regiment, second brigade, eighth division, Pennsylvania militia, composed of the townships of Union, Ross, Huntington and Fairmount, in the county of Luzerne, shall hereafter compose a separate battalion, to be called the third battalion of second regiment, and be entitled to elect the proper officers for the same, agreeable to the existing militia laws of this commonwealth; the first election to be held at such time and place as the proper brigade inspector shall direct.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.