

No. 330.

AN ACT

To authorize the governor to incorporate a company for improving the navigation of Muddy 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* Andrew Clarkson, C. M. Collins, W. C. Shay, Thomas Murphy, Robert Bartle, David Wilson, and J. R. Donnell, 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 townships of Peachbottom and Lower Chanceford, in the county of York, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Muddy Creek 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 Muddy creek.' Witness our hands this day of

Commissioners.

Books opened.

Form of subscription.

Subscriptions.

Proviso.

in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in at least one newspaper printed in the county of York, 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 eighteen hundred shares therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the eighteen 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 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.

SECTION 2. That when twenty persons or more shall have subscribed nine hundred shares or more of said stock, the commissioners may, or when the whole number of shares aforesaid shall be sub-

scribed, the commissioners 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 "Pre- sident, managers, and company of the Muddy Creek navigation company;" and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corpora- tion, 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 and 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.

SECTION 3. That the five 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 ten 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.

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 interest of the company.

SECTION 5. That the president, managers and company aforesaid, shall have power to open a complete canal and slackwater navigation on the aforesaid Muddy creek, by erecting dams to raise the water of said creek, and to take the water on either side out of said creek by means of a wing dam, canal, lock, or other device, to any place or places which to them may seem most suitable and conducive to the object of the proposed navigation of said creek; and the said president, managers and company shall have power to erect locks, 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.

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

Notices.

Restrictions.

Revocation.

lock navigation, and shall be entitled to receive such tolls as may be agreed upon by said company : *Provided*, That any notice required to be given, shall be deemed sufficient if given in one or more of the newspapers printed in the county of York : *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.

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.

JNO. B. STERIGERE,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 331.

AN ACT

Authorizing the sale of certain lands in Carbon county.

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 commissioners of the county of Carbon, be and they are hereby authorized and empowered to order the treasurer of said county, to sell such tracts of lands lying within the boundaries of said county, as have had two years' taxes due and unpaid thereon, on the first day of July, Anno Domini, one thousand eight hundred and forty-four, and remain unsold at present, and in arrears for taxes as aforesaid : *Provided*, Such lands be sold for taxes actually due and unpaid on the first day of July, one thousand eight hundred and forty-four, and not taxes that have occurred since that date : *Provided also*, That the said sale shall be advertised, and in all respects conducted in the same manner, and have the same legal force and effect, as if regularly made under the acts of assembly now in force.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

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

FRS. R. SHUNK.