

the work within three years after the passing of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then in either of these cases all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to this Commonwealth.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the company hereby authorised to be incorporated, shall at any time issue any note or notes in the nature of bank notes, or carry on any business in the nature of banking, then or in either of these cases all and singular the rights, privileges and franchises hereby granted to the said company, shall cease and revert to this Commonwealth.

REES HILL, *Speaker of the
House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the fifth day of February, one thousand eight hundred and seventeen.

SIMON SNYDER.

CHAPTER XXXII.

AN ACT

To authorise the Governor to incorporate a company for improving the navigation of the Lackawana creek.

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 Noah Stevens, Stephen Griffin, Isaac Hart, John I. Ding and John Waters, 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 in May next, procure a sufficient number of books, one or more of which shall be opened at some convenient place or places in the township of Pittston and borough of Wilkes-barre, in the county of Luzerne, 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 Lackawana 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 Commissioners named.
Procure books.
Price of shares.

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 authorise the Governor to incorporate a company for improving the navigation of the Lackawana creek.' Witness our hands this

Notice to be given of opening books.

Who may subscribe.

May adjourn and transfer books,

§2 payable at subscribing.

When letters patent may issue.

Style of corporation.

day of _____ 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 Luzerne, 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 authorise 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 in the borough of Wilkesbarre eighty shares, and in Pittston one hundred and sixty shares; and if at the expiration of ten days, the books aforesaid, shall not have the number of shares aforesaid or any of them subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere until the whole number of two hundred and forty shares shall be subscribed, and when the whole number of shares aforesaid shall be subscribed in all the books the same shall be closed: *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 commissioners 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.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when ten persons or more shall have subscribed sixty shares or more of the said stock, the commissioners may, or when the whole number of shares aforesaid shall be subscribed, 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 President, Managers and Company of the Lackawana navigation company," and by

the same namē 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 found 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.

powers and
privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* 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 authorised, 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, 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.

Notice to be
given of the
time of or-
ganizing the
company.

What offi-
cers to be
chosen.

Of by-laws.

SECT. 4. *And be it further enacted by the authority aforesaid,* That a public meeting of the stockholders shall be held on the second Monday of June in every succeeding 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 question affecting the interest of the company.

When stock-
holders to
meet.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president, managers and company aforesaid shall have power to open a complete canal and lock navigation on the aforesaid Lackawana 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

Of canal and
lock naviga-
tion.

Remove obstructions.

obstructions out of said creek, so that rafts, boats, arks and other vessels can pass with safety.

Have like powers and privileges and under like restrictions as the Neshaminy lock navigation company.
Rates of toll.

SECT. 6. *And be it further enacted by the authority aforesaid,* That 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 on the president, managers and company of the Neshaminy 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 thousand shingles, six and a quarter cents; every ark, two dollars; every boat, one dollar; 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 county of Luzerne: *Provided also,* That nothing in this act contained shall authorise 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.

Proviso.

Power of Legislature to revoke the charter.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if it shall at any time appear that the charter and privileges to be 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.

Company not to issue bank notes, nor, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if the company hereby authorised to be incorporated, shall at any time issue notes in the nature of bank notes, or transact any business in the nature of banking, their chartered privileges shall be forfeited.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the fifth day of February, one thousand eight hundred and seventeen.

SIMON SNYDER.