

AN ACT

To incorporate the Clarion River Navigation Company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, that it is hereby enacted by the authority of the same, That A. I. Wilcox, J. S. Hyde, George Dickinson, N. B. Lane, Nicholas Brockway, Henry Raught and Rudolph Ralston, shall be and they are hereby appointed commissioners for the purposes hereinafter mentioned; that is to say: They or a majority of them shall procure, open and keep open, from time to time, and for such length of time as they may deem proper, or until ten thousand dollars are subscribed, and no longer, a suitable book or books, and receive subscriptions therein from all persons desiring to take stock in said company to be incorporated in pursuance of said act; the form of said subscriptions shall be as follows, to wit: We, whose names are hereunto subscribed, do severally promise to pay to the Clarion River navigation company the sum of ten dollars for each and every share of stock set opposite our names, at such time and in such instalments as the managers of said company may require; and every person so subscribing, as soon as the said subscriptions amount to two thousand dollars, shall pay to said commissioners a sum not exceeding one dollar on each share they may have subscribed; when two hundred shares shall have been subscribed, the said commissioners, or a majority of them, shall certify the same to the governor, or, verified by the oath of at least two of them; whereupon the governor shall by letters patent, in the usual form, create and constitute the subscribers and those who may thereafter subscribe to the stock of said company, their successors and assigns, a body corporate and politic, by the name, style and title of the Clarion River navigation company, and by the said name, style and title the said company shall have perpetual succession, and be able and capable in law to sue and be sued, plead and be pleaded, and to receive, possess and dispose of all money and property belonging, or that may belong to said company.

SECTION 2. That as soon as possible after the issuing of said letters patent, the said stockholders, or any part of them, shall, at some convenient time and place, whereof public notice shall be given in at least one public newspaper in the county of Elk, and one in the county of Jefferson, and one in the county of Clarion, at least three weeks before the time, proceed to elect one president and four managers for said company, who shall continue to act for one year and until their successors shall be elected; annually thereafter, at such time and place as may be designated by the managers as above directed, the stockholders or any of them, in person or by written proxy, may proceed to elect a president and managers as aforesaid, and for the aforesaid, each stockholder shall have one vote for each share he shall have subscribed, not exceeding ten, and one vote for every five shares exceeding that number and not exceeding twenty shares; no stockholder shall be entitled to vote at any election of said company until he shall have paid the whole sum due and payable on the share or shares held by him at the time of said election; the said president and managers shall have power to make such by-laws and regulations not inconsistent with the constitution and laws of the United States and of this state, as may from time to time be necessary.

SECTION 3. That the president and managers of said company shall have power to clean and clear the Clarion river, the East and West Branches thereof, and the Little Toby creek, from all rocks, bars, and other obstructions; to erect dams [and locks] to bracket and regulate all dams now erected; to regulate the schutes of dams; to regulate and bracket all dams and schutes that may hereafter be erected in said streams, and the same to alter or abate, as may become necessary; they shall also have the power by brackets or otherwise, to control the waters in said streams for the purposes of navigation; to levy tolls not exceeding three cents for each and every five miles of improved stream; for each platform of boards, or other sward stuff, one cent; for every fifty feet, lineal measure, of square or other timber, one fourth of one cent per foot; for every boat that may pass down said streams to be collected at the mouth of the Clarion river, and at such other points along said streams as may be necessary; to appoint officers and agents, and employ hands for the purpose of carrying into full effect the provisions of this act; to regulate the landing of boats, rafts at the mouths of said streams or elsewhere; that such regulations may be necessary to take gravel, stones, timber, and other materials necessary for the erection and repairing of dams and locks from lands adjacent to said streams; to enforce all acts of assembly now in force against throwing into said streams or other tributaries, any slabs, trees, stumps, and generally to do all things necessary for the safe navigation of said streams; they shall also have the power to levy tolls upon logs driven down said streams, not exceeding twenty-five cents per hundred logs for every five miles of improved stream.

SECTION 4. That section ninth of the act twenty-sixth January, one thousand eight hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies," shall apply in all cases of damages arising under this act, excepting cases of damages arising under this act, excepting cases of abating dams, and other acts necessary to keep open the navigation of said streams; in such cases the remedy shall be as heretofore; and the said company and their officers in all cases of abatement of dams and schutes, in every action brought for the recovery of damage arising from such abatement, may give in evidence the fact of said dams and schutes being a public nuisance.

SECTION 5. That the seventh and eighth sections of the above recited act, shall apply, mutatis mutandis, to and from part of this act.

SECTION 6. That the president and managers of said company shall keep fair and just accounts of all moneys received and expended, and the manner of their expenditure, which said accounts shall at all times be open for the inspection of the stockholders and others interested.

SECTION 7. That the collectors appointed by said president and managers, shall also act as treasurer, and shall give bonds in such sums as the said president and managers shall indicate for the faithful discharge of his duties, and reimbursement of all moneys that may come into his hands; he shall receive as a compensation for his services, a sum not exceeding five per cent, on all moneys by him received and disbursed.

SECTION 8. That the directors shall be appointed by the president and managers, whose duty it shall be to direct and superintend the landing of boats and rafts in the mouth of the Clarion river and elsewhere; to see that the channel is kept open, and to return to the collector, and also to the president and managers the number of rafts and boats passing along or landing in said streams; said director shall not permit any rafts, boats, or other crafts to land in the mouth of said stream in such manner as to close the channel, but shall keep the same open at least fifty feet in width; and any person who shall wilfully close said channel, or shall disobey the directions of said directors, and thereby in any manner directly close any channel, or shall wilfully run into the mouth of said stream, after the same is so closed, contrary to the directions of the directors, shall be liable to pay a fine of fifty dollars for the use of said company to be collected in any part of this state, by an action of debt before any justice of the peace of this commonwealth; and in the name of the commonwealth, and in default of payment, the persons so convicted shall be committed to the jail of the proper county for the term of thirty days.

SECTION 9. That any persons who shall attempt to run any raft or rafts, boat or boats, log or logs, or other craft or crafts, past any collector's office, without having first paid his, her or their tolls, shall be subject to a fine of five dollars for each raft, boat or other craft, and one dollar for each log so run past, to be recovered in the same manner and for the same use, and payment to be enforced in the same way, as directed in section eight; and all persons aiding or abetting any person in avoiding any tolls shall be subject to the like penalties.

SECTION 10. That the tolls assessed under this act shall be a lien upon the property upon which they are levied, into whose hands the same may come, and may be recovered by action of debt or assumpsit, before any justice of the peace, either against the original owner, his agent or agents, or the person or persons in whose possession the same may be, and judgment being so recorded, execution may be had on the property upon which tolls may be assessed, or a lien, though the ownership in said property may have been changed after the commencing of said suit.

SECTION 11. That the collectors shall be liable for the tolls on all rafts and boats that shall pass their offices, and which shall be returned to them by the directors.

SECTION 12. That the said company may levy and collect tolls as soon as twenty miles are improved of the Clarion river from the mouth upwards, and it shall have the control of the landing at the mouth of the stream immediately upon the granting of the charter.

SECTION 13. That whenever the dividends arising from the tolls shall amount, in excess of the amount of stock actually paid in, clear of all expenses, and ten per centum per annum, then and in that case the tolls shall be reduced to an amount sufficient for the improvement of said streams.

SECTION 14. That no stockholder or officer of said company shall, by reason of his interest therein, be disqualified as a witness in any suit in which said company is or may be a party; provided, That the legislature hereby reserve the right to alter or repeal this act, providing no injustice shall be done the corporators or their assigns.

SECTION 15. That this act shall be published in the newspapers in the counties of Clarion, Jefferson and Elk.

J. LAWRENCE GETZ, Speaker of the House of Representatives. DAVID TAGGART, Speaker of the Senate.

APPROVED—The twenty first day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAMES POLLOCK

STOCKHOLDERS NOTICE.—The Annual Meeting of the Stockholders of the Clarion and Ridgway Railroad Company, will be held on Monday the ninth day of January, at 12 o'clock p. m., at No. 238 South Third Street Philadelphia. JOSEPH LESLEY, Secretary. Philadelphia, Dec. 23d 1861.

REGISTER'S NOTICE. Notice is hereby given that the following accounts has been examined and passed by me, and remains filed on record in this office for inspection of heirs legates, creditors and all others in any way interested, and will be presented to the next Orphans' Court of Elk county, to be held at the Court House in the town of Ridgway, commencing on the first Monday of January 1865. The account of Ann Overturf, Administratrix of all and singular the goods and chattels, rights and credits which were of Thomas Overturf late of Benecetto township, deceased. ALSO—2d partial account of John Moyer, administrator of Isaac Robinson deceased. Account of Mary Fisher & E. C. Schultz, administrators of Charles Fisher deceased. GEO. ED. WEIS, Register. Ridgway Nov. 18th 1861.

Administrator's Sale. BY order of the Orphans Court of the County of Elk, in the State of Pa., I shall expose to sale, by public vendue or out cry at the Court House in Ridgway, on Tuesday the 3d day of January next at 1 o'clock p. m., as the property of Anthony Meyer, dec'd. Five lots in St. Mary's, in the said county of Elk, known as lots, No. nineteen (19) twenty-one (21) twenty-eight (28) twenty-four (24) and twenty-six (26) on cross street, in front on cross street one hundred (100) feet each and in depth at right angles two hundred (200) feet. Terms of sale, one third of the purchase money in hand at confirmation of sale and the residue in two equal annual instalments thereafter, to be secured by Judgment, Bond and Mortgage. ANTHONY MEYER Administrator of ANTHONY MEYER dec'd.

SHERIFF'S SALE. BY virtue of a writ *Flori Facias* issued out of the Court of Common Pleas of Elk county, and to me directed and delivered, I will expose to public sale or out cry on the first Monday of January 1865, at 1 o'clock p. m., at the Court House in Ridgway, the following described property to-wit:

All the right title interest and claim of Wm. H. Campbell the defendant within named of the following described Real Estate to-wit: All that certain piece or parcel of land, situate in Jay township, Elk county Pennsylvania, bounded and described as follows. Beginning at the South East corner of the lot formerly known as the Morehead lot, thence running east to a lot owned by Robert Rothrock and others thence south along said line to the North East corner of Wm. H. Campbell's line to the road, thence North to the place of beginning, containing about twenty acres of land, said piece of land described in a certain article of agreement, dated the 3d day of May, A. D. 1858, from Chauncey Clinton to Wm. H. Campbell. Seized, taken in execution and to be sold as the property of Wm. H. Campbell and Michael O'vill, at the suit of Jay township. Sheriff's Office, Nov. 26th, 1861. P. W. HAYS, Sheriff

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Administrator's Notice. LETTERS of Administration having been granted to the subscriber on the estate of Geo. A. Kienzle, late of St. Mary's borough, deceased. Notice is hereby given, to all persons knowing themselves indebted to said estate, to make immediate payment, and all those having claims against said estate, will present the same duly authenticated for settlement. FREDERICK KIENZLE, Administrator. Ridgway Nov. 19th 1864.

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ADMINISTRATOR'S NOTICE. Letters of Administration have been granted in due form of Law, to the subscriber upon the Estate of Thomas Overturf, late of Benecetto township Elk county, deceased. All persons having any claim against said Estate, are requested to present them duly authenticated for settlement. Any person owing the Estate, are requested to make payment forthwith. ANN OVERTURF Administrator of the

Coal Lands For Sale. THE subscriber offers for sale the Coal privilege, with the right of mining and other minerals under 495 acres of land situated in Fox pt., Clearfield county Pennsylvania, within 2 miles of the Ridgway & Shawmut R.R., which connects with the Phila. & Erie R. R., at Ridgway, with a six foot vein of Bituminous Coal upon it, which is now commanding such enormous prices, for manufacturing purposes. For sale cheap, terms cash, a good title given. For further particulars, address C. L. BARRETT, Clearfield P. O., Clearfield Co., Pa.

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Court Proclamation. WHEREAS, Hon. R. G. WHITE, President, and V. S. Brockway and E. C. Schultz, Associate Judges of the Court of Common Pleas, and Justices of the Court of Quarter Sessions and Orphans' Court, and Court of Oyer and Terminer, and General Jail Delivery of Elk county, by their precepts to me directed, have ordered a Court of Common Pleas, a Court of Quarter Sessions, Orphans Court, and Court of Oyer and Terminer and General Jail Delivery, to be holden at Ridgway, in and for the county of Elk on the

First Monday in Jan. 1865. being the 2d day of the month and to continue one week. Notice is hereby given to the Coroner, Justices of the Peace and Constables of the county of Elk, that they are by these precepts commanded to be then and there in their proper persons, at 10 o'clock, A. M., of said day, with their rolls, records and inquisitions, and other remembrances, to do those things which their offices appertain to be done, and that all Justices of said county make returns of all the recognizances entered into before them to the Clerk of the court as per Act of Assembly, passed May 8th 1854. And those who are bound by their recognizances to prosecute the prisoners that are or shall be in the jail of said county of Elk, and to be then and there to prosecute against them as shall be just. P. W. HAYS, Sheriff. December 3d 1864.

LIST of Grand Jurors Drawn for January term 1865. Brown Ellis, Fox. Brown Michael, St. Mary's. Bramer Jas. W., Benecetto. Chase Milton, do. Hewitt Jere, Fox. Osborne J. O., Benecetto. Keltz John R., Fox. Kerner Thas., Benecetto. Kapp Adam, do. Lawrence B. F., Ridgway. M'Vean Chas., do. Nearing Chas. C., Jones. Oyster Daniel C., Fox. Parks R. M., Benecetto. Sorg F. Xaverius Jr., Benecetto. Smutz John, Ridgway. Shons H. B., do. Thompson Peter, Fox. Warner Henry, Jones. Wilson H. R., Benecetto. Wood B. F., Jay. Wainwright Cornelius, Benecetto. Weigel Geo. Jr., St. Mary's. Wimmer Sebastian, do.

LIST of Traverse Jurors drawn for January term 1865. Allen Edwin, Fox. Davidson Danl. D., Spring Creek. Ellinger Albin, Fox. Fischer Philip, St. Mary's. Fritz Martin, Benecetto. Gilmore James, do. Hays Isaac, Fox. Howe Andrew, Fox. Horton Henckiah, Jay. Huller Geo. A., Benecetto. Jones Byron, Benecetto. Jersberger Anton, Benecetto. Kyler Eli P., Fox. Kyler John, do. Kyler Jesse, do. Moyer Conrad Sr., do. Moyer Jas. H., Ridgway. Moyer John, Fox. Nissel Geo. Jr., Benecetto. Nulf Geo., Fox. O'Hara Peter, do. Overturf Andrew, Benecetto. Panzer Peter, Fox. Sells George, Benecetto. Tchnit Geo., St. Mary's. Schafer Geo. F., do. Turley Arnel, Jay. Valinder Samuel, do. Yalmer Louis, St. Mary's. Waeker Herman, do. Webb Wm. M., Jay. Wheeler Gilman, Ridgway. Winslow Chas., Benecetto. Wood Wm., Ridgway. Wilcox Miner, do.

Trial List for Jan Term 1865. M. Burnell & Co. vs Jeremiah Elliott, G. D. Messenger vs Leopold Heilbrun, or, et al. Samuel Morison vs William & Henry Derr, Mary Leiper vs Thomas Struthers, et al. Reuben Winslow vs Byron Jones, Robert G. Sanford vs Charles Lergzett, Aloes Blank vs Chas. H. Volk, John Tuder vs Cyrus Gibson Daniel Denison vs C. F. Luce. GEO. ED. WEIS, Proty.

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DISSOLUTION OF PARTNERSHIP. Notice is hereby given that the Partnership, Lumbering business heretofore carried on by the undersigned under the firm name of Hoton, Ely & Co., is this day dissolved by mutual consent. CHARLES HORTON, B. F. ELY, ISAAC HORTON, Jr. Ridgway, July 17th 1863.

NOTICE OF LIMITED PARTNERSHIP. NOTICE is hereby given that Theodore Palen, heretofore residing at Allegany, Cattaraugus County, in the State of New York, but now residing at Wilcox Elk County, State of Pennsylvania, and James Clark, residence at Pinesfield in the State of New Jersey, have formed a limited partnership pursuant to the Act of the General Assembly of the State of Pennsylvania, passed the 27th of March 1856, entitled "An Act relative to limited partnerships" and its several supplements, for the manufacture of Leather at Wilcox aforesaid, upon the following terms to-wit:—1st. The name of said firm to be Theodore Palen & Co.; 2nd. The general nature of the business transacted is the manufacture of leather; 3d. The name of the general partner is Theodore Palen, now residing at Wilcox aforesaid; 4th. The amount of capital contributed by the special partner James Clark, to the common stock, is eighteen thousand dollars; 5th. The partnership is to continue from the ninth day of April A. D. 1864, to the ninth day of April A. D. 1869. Dated at Wilcox, June 23d 1864.

Just Received At the Book Store, St. Mary's SANDERS READERS, No's. 1, 2, 3, 4 & 5. Sanders primary and pictorial primer. Mitchels Geography & Atlas. Mitchels primary Geography. M'Nally's Geography. Monteiths primary Geography. Spenciers copy books. Webster's common school Dictionaries. Browns Grammar. Towers do Murrays do No's. 1, 2 & 3 plain copy books. Blank books, Letter, note & writing paper. Ink, Pens, Envelopes, Pencils &c., &c.