

of holding any annual election shall produce any forfeiture of the aforesaid corporate privileges, but in such case that the officers heretofore elected shall continue in office until others are legally chosen.

State road from Easton to Willow-grove. Time fixed for the recovery of damages extended one year.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the time mentioned in the second section of an act passed twentieth day of February, Anno Domini, one thousand eight hundred and thirty-two, fixing the time for one year from the passage of said act, for the recovery of certain damages sustained by the laying out of a state road from Easton, in Northampton county, through Bucks county to the Willow Grove, in Montgomery county, be, and the same is hereby extended for the further term of one year.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The ninth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

No. 166.

### AN ACT

To incorporate the Susquehanna Rail Road Company, and the Mifflinsburg Bridge Company and for other purposes.

Rail road Commiss'rs. appointed to receive subscriptions of stock.

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 Joseph Wright, Henderson Gaylord, William C. Reynolds, James Nesbit, jr. Samuel Thomas, Sharp D. Lewis, Elias Hoyt, Benjamin Dorrance, William Hancock, John Brees, William Swetland, Dr. John Smith, John Perkins, Pierce Butler, Charles D. Shoemaker, Isaac Harding, Elisha Harding, Asa Stephens, Nicholas Overfield, James Wright, Reuben Wilber, Samuel McKean, Thomas Elliott, Henry Willis, John Laporte, Clement Paine, Ellis Lewis, John L. Webb, Eliphalet Mason, Lockwood Smith, A. H. Read, C. L. Ward, Bela James, Asa Dimock, jr. James C. Biddle, David Post, Charles Frazer, Hiram Finch, and Spencer Hicox, be, and are hereby appointed commission-

ers to do and perform the several things hereinafter mentioned, that is to say, they or any two of them shall procure a sufficient number of books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and directors of the Susquehanna rail road company, the sum of fifty dollars for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Susquehanna rail road company:' Witness our hands the \_\_\_\_\_ day of \_\_\_\_\_

Form of heading to subscription. Shares \$50 each.

Anno Domini, one thousand eight hundred and \_\_\_\_\_; and shall give notice in at least one of the newspapers printed in Luzerne, Bradford, and Susquehanna, and two of the daily newspapers printed in the city of Philadelphia, for at least three weeks, of the times when, and places where some one or more of the aforementioned commissioners will attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid at least six hours in every juridical day, for the space of three days, or until there shall have been subscribed in the said books twenty thousand shares; but no subscription shall be valid unless the person so subscribing pay to the said commissioners, at the time of making such subscription, the sum of five dollars on each share, and the said commissioners may adjourn from day to day, and from time to time, until the whole number of shares aforesaid shall have been subscribed.

Duties of commis'nrs.

Whole No. of shares 20,000

\$5 to be paid upon each share at time of making subscription:

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever two thousand or more shares shall have been actually subscribed, and five dollars on each share shall have been paid to said commissioners, the said commissioners, or a majority of them, shall certify the same under oath or affirmation, to the Governor of this Commonwealth, and on receipt of such certificate the Governor shall by letters patent, under his hand and the seal of the Commonwealth, 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 a body corporate and politic, in deed and in law, by the name, style, and title of the president and directors of the Susquehanna rail road company, and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, may make and establish a common seal, and the same alter, break, or renew at pleasure, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of purchasing and holding to them and their successors and assigns, in fee simple or for any lesser estate, such real and personal estate as shall be necessary to them in the prosecution of their work,

Charter may issue upon certificate of the subscription of 2,000 shares.

Style of corporation

Privileges and liabilities

Proviso.  
Real estate.

2d<sup>o</sup> proviso.  
Operations of  
company  
confined to  
making of  
rail road.

Stock com'rs.  
to superin-  
tend provis'<sup>l</sup>  
election.

President,  
10 managers,  
treasurer, &c.

Proviso.  
Of the day  
fixed for or-  
ganization.

Company  
authorized to  
enter upon  
lands to make  
road and  
procure mate-  
rials.

and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may of right do: *Provided*, That the real estate which it shall be lawful for the said company to hold shall not exceed at any time so much as shall be necessary for the construction of a rail road and landings: *And provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking or trading privileges whatever, or any other privileges but such as shall be necessary to the constructing of a rail road from the Nanticoke Pool, in the county of Luzerne, on the west side of the river, to a point on the line between the states of New York and Pennsylvania.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained give at least twenty days previous notice in the newspapers herein before 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, which proxy shall have been obtained and bear date within three months previously to the election, and annually thereafter, in like manner, one president, ten managers and one treasurer, all of whom shall be residents of this Commonwealth, and such other officers as shall be deemed necessary; that a majority of the managers shall be a quorum, who may appoint such officers or agents under, and make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company; *Provided*, That if the said election for directors shall not take place on any day on which the same ought to be held, it shall be lawful on any other day, as soon as may be, to hold the same, in such manner as may be regulated, by the by-laws and ordinances of the said corporation.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said company shall have power, by themselves or agents, to enter in and upon such lands as may be necessary to make the rail road aforesaid, and also to have liberty of taking from any land in the neighborhood, gravel, stone, wood or other materials necessary for the construction of said rail road, paying, if the owner of the said land and said company can agree, the damages they shall do to said lands, or if they cannot agree thereon, then the damages shall be ascertained in the manner hereafter prescribed as to the compensation for lands over which said road shall have been laid.

SECT. 5. *And be it further enacted by the authority aforesaid*, That whenever it shall be necessary for the president,

directors and company of the said rail road company, to enter in and upon, and occupy, for the purpose of making said rail road, any land upon which the same may be located, if the owner or owners of said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to award a venire directed to the sheriff of the county, requiring him to summon a jury of disinterested men to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage if any, that in their apprehension will be sustained as aforesaid, by reason of said rail road, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, to be paid by said company, and it shall be the duty of the appraisers or jury, as the case may be, in estimating such injury to take into consideration the advantage that will be derived to the owner or owners of said lands from said rail road: *Provided*, That either party may appeal to the court within thirty days after such report shall have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands or for the injury sustained as aforesaid, the company shall become seized of the same estate in the said lands which the owner held in the same, and they and all who act under them shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That the payment of damages aforesaid for land through which the said road may be laid, shall be made before the said company or any person under their direction or in their employ, shall be authorized to enter upon and break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner of such land be first obtained.

Arrangement for ascertaining damages in cases of disagreement with land owners.

Sheriff and Jurors' fees.

Proviso. Appeal within 30 days.

Payment of award to vest rights.

Proviso. Damages to be paid before breaking ground.

SECT. 6. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within ten months next after the offence shall have been committed or the cause of action shall have accrued, and the defendant

Suits must be brought within 10 months from offence.

or defendants in such suit or action, may plead the general issue and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Persons doing wilful injury to property liable for 3 times amount of actual damages.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly break, injure or destroy the rail road or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to said company, three times the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company.

Construction of public crossing places provided for.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said rail road shall be so constructed as not to obstruct or impede the free use or passage of any public road or roads which may cross or enter the same, now laid out or hereafter to be laid out, in all places where the said rail road may cross or in any way interfere with any public road, the said company shall make or cause to be made a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over said rail road, and if the company shall neglect or refuse to make such causeway or causeways or when made, to keep the same in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisors of the township, for the use of the township, as debts of like amount are by law recoverable; and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

Penalty on neglect.

Crossing places for individual land owners to be made and kept in repair

SECT. 9. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing land through which the said rail road may pass, it shall be the duty of the said company to make or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary to enable the occupant or occupants of said lands, to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require, and the said causeway or causeways so made, shall be maintained and kept in repair by said company, and if the said company shall neglect or refuse on request, to make such causeway or causeways or when made, to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person, in consequence of such neglect and refusal, to be sued for and recovered before any justice of the peace or court having cognizance thereof: *Provided,* That said company shall in no case be required to make or cause to be made, more than one causeway through each plantation or

Penalty on neglect. Proviso. Where they may be dispensed with.

lot of land, for the accommodation of any one person owning or possessing land through which said rail road may pass, and where any public road shall cross said rail road, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect any causeway for the accommodation of the occupant of such land.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said company shall be entitled to receive toll Rates of toll from all persons travelling on said road, that is to say: on allowed to co. each ton of coal, two cents per mile; on each ton of salt, three cents per mile; on each ton of gypsum and lime, two cents per ton per mile; on brick, two cents per ton per mile; lumber, square and round, for every hundred feet solid, two cents; on boards, planks and scantling, or other sawed stuff reduced to inch stuff, two cents for every thousand feet per mile; on shingles per thousand one and a half cents per mile; on staves and heading for pipes and hogsheads per mile, two cents per thousand; and staves and heading for barrels and other vessels of less size, one cent per mile per thousand; for all other articles not enumerated, three cents per ton per mile, on all single and detached articles, weighing less than a ton, it shall be lawful to charge and receive on the transports an advance of ten per cent on the rates as above stated.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in all suits or actions which may be brought Of the service against the said company, the service of process upon any of process. manager, toll gatherer or other officer of the company, shall be as good and available in law, as if made on the president thereof.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said road shall be a public highway, on the completion of a section of five miles or more of the rail road; all transportation on the same, of whatever nature or kind, or by whomsoever, shall be carried on and conducted under the superintendence and direction of said company, and it shall be lawful for any company that may be hereafter incorporated by any law of this commonwealth, or any individual or individuals to intersect the said rail road or rail roads at any place where it may be deemed expedient, so that the same may be done in such manner as not to injure the same. Intersection with other roads.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the board of directors, or any number of stockholders, being together the proprietors of not less than one third of the whole stock, shall have the power for all the purposes relative to the corporation, to call a general meeting of the stockholders, giving at least thirty days notice in at least one of the papers in the aforesaid county; and at all general meetings as well as elections for directors, the Of the general meetings of the stockholders.

number of votes each stockholder shall be entitled to shall be according to the following scale, viz: every share not exceeding twenty shall have one vote; for every other five shares two votes; to be given in person, or by proxy constituted in writing.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution as shall appear advisable to the directors, shall be declared at least twice in every year, and paid to the stockholders on demand at any time after the expiration of thirty days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby, be impaired, and if the said directors shall make any dividend, which shall impair the capital stock of said institution, the directors consenting thereto, shall be liable in their individual capacities to the said company for the amount of the stock so divided, and each director present, when such dividend shall be made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend.

Dividends to be declared semi annually.

Directors liable for improper declaration.

Agency to be established in Luzerne co.

Service of process thereon.

Increase of capital authorized.

Proviso. Limit.

Annual election of officers

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That the said company shall establish and maintain, in the county of Luzerne, an office in the charge of an agent or manager, to be appointed by the said president and directors of said company, which agent or manager, shall under direction of said president and directors, and in pursuance of such rules and regulations, as they or a majority of them, shall from time to time establish, superintend the affairs of said company, in said county of Luzerne, and any legal process served on said agent or manager, is hereby declared, to be to all intents and purposes as legal and valid, as the same would have been, if served on the said president and directors.

**SECT. 16.** *And be it further enacted by the authority aforesaid,* That if it shall appear to the said company that the amount of capital authorized by this act is insufficient to complete the said rail road, and to accomplish the several objects of this charter, it shall be lawful for the said stockholders, assembled at any annual or special meeting, to increase the said capital to the necessary amount, by increasing the number of shares, and directing an additional subscription: *Provided,* That the said capital shall in no case be increased so as to exceed two millions of dollars.

**SECT. 17.** *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of January in every year, at such place as may be fixed upon by the by-laws, of which due notice shall be given, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall

continue in office for one year, and until others are chosen, at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal by a majority of the votes, in manner aforesaid, all such by-laws, rules, orders, and regulations as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold in the proportions following, that is to say, for each share, not exceeding ten shares, one vote; for every two shares above ten, and not exceeding twenty shares, one vote; for every fifteen shares above twenty and not exceeding forty, one vote; for every twenty shares above forty, and not exceeding one hundred, one vote, but no share or number of shares above one hundred shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person, in whose name it appears absolutely, and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor, or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, society or corporation, of which he or she may be a member, and which shall not be bona fide held or owned as aforesaid: *Provided*, That no share held by transfer, shall be entitled to vote, unless the same shall have been transferred, at least three months before the election, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

General powers of stockholders.

Ratio of votes to shares, &c.

Proviso. Votes on transferred shares and by proxy.

Manner of conducting election.

Neglect to elect on regular day provided for.

SECT. 18. *And be it further enacted by the authority aforesaid*, That the election of officers provided for in the third section of this act, shall be conducted in the following manner, that is to say; the managers for the time being, shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly; and according to law to conduct such election, and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes, and declare who has been elected, and if it shall at any time happen that an election of president, managers, treasurer, or other officers shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, or other officers on the same day, or any other day thereafter, by giving at least twenty days notice, signed by the president

or secretary in the newspapers, of the time and place of holding said election, and the president, managers, treasurer and other officers of the preceding year, shall in that case continue to act and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death, resignation, or removal from the state of any president, manager, treasurer, or other officer, his place shall be filled by the board of managers, until the next annual election.

General powers of the president and managers.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other officers and artists as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportion in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other matters and things as by this act and by the by-laws and regulations of the company they are authorized to do.

Certificates to issue for each share of stock.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer and sealed with the common seal of said corporation, to each person for every share by him subscribed and held, which certificate of stock shall be transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or 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 the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid shall be entitled to one share of the capital stock and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share as the original subscriber would have been.

Mode of making transfers thereof.

SECT. 21. *And be it further enacted by the authority aforesaid,* That if the said corporation shall misuse or abuse the privileges hereby granted, the legislature reserves the right to revoke or annul the charter hereby granted, at any time they may think proper, the legislature also reserves the right to purchase the right of said company, and the rail road with its appurtenances, at any time after thirty years from the passage of this act, at a reasonable price and valuation, and also the right to alter the charter, and to regulate and further limit the tolls whenever they think proper.

Reservation of right to repeal.  
To purchase after 30 years, &c. &c.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the president or secretary of the said company shall annually, on the first Monday of December, transmit to the Auditor General a full statement under oath or affirmation, of the affairs of said company, and shall pay into the state treasury for the use of the Commonwealth, one half of the excess of all dividends over twelve per cent. for the purposes of education.

Annual statement to Aud. Gen.  
Half of dividend over 12 per cent. appropriated to education purposes.

SECT. 23. *And be it further enacted by the authority aforesaid,* That States B. M. Yantes, Peter Yoke, Eleazer Brothwell, Samuel Creasy, Jacob Drumbheller, Robert McCurdy, Samuel Herman, Benjamin Seidel, Henry Pettit, Joseph Millard, Jacob Yohe, and Martin Rittenhouse, of the county of Columbia and Luzerne, hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of August next procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers, and company, authorized to erect a bridge over the river Susquehanna at Millinsburg, for the use of the said company, the sum of fifty dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance to an act of the General Assembly of this Commonwealth, entitled 'An act authorizing the Governor to incorporate a company for erecting a bridge over the river Susquehanna at Millinsburg, in the county of Columbia:' Witness our hands this \_\_\_\_\_ day of

Briar creek & Millinsburg bridge co. Stock com'rs. appointed.

Form of subscription.

Shares \$50.

one thousand eight hundred and thirty-three." and shall thereupon give notice in two newspapers, printed in the said county for one calendar month at least, of the times and places, when and where the said book or books shall be opened to receive subscriptions for the stock of the said company, at which time and places some one of the said commissioners shall attend and shall keep open said book or books at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any person or persons, by whom

Duties of commissioners recited.

he shall be authorized so to do, for any number of shares in the said stock, until eight hundred shares shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper; and when the subscription shall amount to four hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books in his own name, or in that of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners five dollars for every share so to be subscribed, out of which moneys shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers thereof chosen as is hereinafter directed.

Proviso.  
\$5 to be paid upon each share at time of subscribing

Charter may issue upon certificate of the subscription of 400 shares of stock.

Style of corporation.

Privileges and liabilities.

3 persons first named in charter to hold provis' election, &c.

SECT. 24. *And be it further enacted by the authority aforesaid*, That when four hundred shares of the said stock shall have been subscribed, the said commissioners or a majority of them shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers; and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number 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 Briar creek and Millinsburg bridge company," and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and 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 be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estates real and personal, as shall be necessary to them in the prosecution of their work, 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.

SECT. 25. *And be it further enacted by the authority aforesaid*, That the three persons first named in the letters patent, as soon as conveniently may be, after the sealing of the same, shall give notice in two or more of the public newspapers in

the county of Columbia, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of said subscribers by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed, and may make such rules, order and regulations and by-laws, not inconsistent with the laws of this Commonwealth, as shall be found necessary for the well ordering the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

SECT. 26. *And be it further enacted by the authority aforesaid,* That a public meeting of the said stockholders shall be held annually at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them: *Provided,* That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote, for every share under ten.

Time & place of holding annual election.  
Proviso.  
Each share to be entitled to one vote up to ten.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the president and managers, shall procure certificates of stock in the said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate, for each share by him subscribed or held, on paying to the treasurer in part of the sum due thereon, ten dollars on each share, which certificate shall be transferable either by the owner in person, or by his attorney duly authorized in the presence of the president, or of the treasurer, for the time being, subject however to the payments due or to grow due thereon, and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

Of the certificates of stock.  
Transfers, &c

SECT. 28. *And be it further enacted by the authority said,* That the said president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by laws, at which meetings five members shall be 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 and at any such meeting, a quorum being present they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge and to fix their sala-

General powers of the president and managers.

ries and wages or at their discretion make contracts for the erection or construction of the same or any part thereof, they shall also determine the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contract, which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by the clerk and do and transact all such matters and things as by this act or the by-laws of the company be committed to them.

Delinquent stockholders liable to penalties and forfeiture.

SECT. 29. *And be it further enacted by the authority aforesaid,* That if any stockholder after thirty days notice given in two or more newspapers printed in said county of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall in addition to the proportion so called for pay at the rate of two per cent per month, for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time, that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace or before any court of competent jurisdiction.

Of the increase of the capital stock.

SECT. 30. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Rates of toll allowed for crossing bridge.

SECT. 31. *And be it further enacted by the authority aforesaid,* That when a safe passage may be had across the said bridge, the property of the same, shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns are hereby empowered to erect gates and demand and receive toll at not exceeding the following rates, to wit: for every coach, landau, chariot, phaeton or other pleasurable carriage with four wheels, drawn by four horses, the sum of one dollar and twenty cents; and for the same carriages with two horses, the sum of sixty-seven cents; and for every carriage of the same description, drawn by two horses, the sum of fifty-cents; for every chaise, riding

chair, sulky, cart or other two wheeled carriage or a sleigh or sled with two horses, the sum of thirty-five cents; and for the same with one horse, the sum of twenty-five cents; for a single horse and rider, twelve and a half cents; for every led horse or mule, six cents; for every foot passenger, two cents; for every head of horned cattle, the sum of two cents; for every sheep or swine, the sum of one cent: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding twelve ton, and drawn by not more than twelve horses or oxen, at all times to cross it, the said president and managers however to have the power to increase the toll to be demanded for any carriage of burden crossing the said bridge, laden with more than three tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same: *And provided also*, That no toll shall be demanded from any person attending funerals nor returning from the same, and all persons going to and returning from military parades, going to and returning from church, children going to and returning from school, going to and returning from general elections or walking in military procession. Proviso. Increase of toll on large loads. 2d proviso. Who may pass toll free.

SECT. 32. *And be it further enacted by the authority aforesaid*, That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge, *that what* are hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on six days notice given by or from any justice of the peace of said county, they so offending, shall for every such offence forfeit and pay the sum of thirty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof, to go for the use of the poor of the county, and the other moiety for the use of the person who shall sue for the same, but no suit shall be brought, unless commenced within thirty days after the offence shall have been committed. Bridge co. liable to penalties for extortion, neglect, &c. Recovery and appropriation thereof.

SECT. 33. *And be it further enacted by the authority aforesaid*, That the said president and managers shall keep a just and true account of all moneys received as toll for crossing said bridge or otherwise, and shall make and declare a dividend of the profits and income after deducting costs, charges and expenses, and shall on the fourth Monday of December and June, of every year, publish the dividend to be made of the clear profits thereof, amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend, to reserve such sum or proportion of the clear semi-annual income not Dividends to be declared semi-annly. Proviso. Reservation of contingent fund.

exceeding one per cent. on the capital stock, as they may think proper to form a contingent fund, for the purpose of repairing and rebuilding said bridge, in case of decay or injury, and the same to invest on such security *on* in such stock as they shall deem safe and productive, and the interest arising from the same, again to invest and the same stock to sell or transfer at any time when the funds may be required for the purposes aforesaid.

*Of the oaths of toll collectors and watchmen.*  
 SECT. 34. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman or watchmen of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of said county, that he or they will faithfully conduct themselves in his or their respective stations, and honestly account to the treasurer of the company, for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagement he or they may enter into with the president and managers of said bridge.

*Company allowed to recover penalties for wilful injury to property, obstructing passage, &c.*  
 SECT. 35. *And be it further enacted by the authority aforesame,* That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge or any part or parts thereof, he, she or they so offending shall each of them forfeit and pay, for every such offence, to said corporation the sum of fifty dollars, to be recovered before any justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted segar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern or in some vessel secured so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fireworks, or who shall discharge any gun, pistol or other fire arms on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or they so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed; and

*Carrying fire, &c.*

*Suits must commence within 30 days.*

he or they so offending shall remain liable to actions at the suit of the said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages.

SECT. 36. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the Legislature of this Commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Of the liability to actions for damages.  
Two years allowed to commence and five to complete bridge.

SECT. 37. *And be it further enacted by the authority aforesaid,* That the capital stock of the said company shall not exceed in amount fifty thousand dollars; and it is hereby provided that nothing contained in this act shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises but such as may be necessary or incident to the building of the said bridge.

Amount of capital stock.  
Banking operations forbidden.

SECT. 38. *And be it further enacted by the authority aforesaid,* That so much of the twenty-fourth article of the third section of the act entitled "A supplement to an act entitled An act to authorize the Governor of this Commonwealth to incorporate a company for the purpose of making and erecting a bridge over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia," passed the twenty-ninth day of March, one thousand eight hundred and twenty-four, as directs that if no dividend shall have been declared during the preceding year, ending with the said first Monday in every year, by said company, the charter of said corporation so neglecting to pay or declare dividends shall from thenceforth be absolutely null and void, be and the same is hereby repealed; and nothing therein contained shall operate to affect the validity of the charter of said corporation by reason of no dividends having been declared for the past year; and the act of the directors in not declaring a dividend is hereby approved of and confirmed, and the charter of the said company and all acts of Assembly relating thereto, are declared to be as valid, effectual and operative as if dividends had been declared as heretofore.

Columbia bridge co. Lancaster co. Provision of former law requiring declaration of dividends repealed.

Directors non-declaration past year approved.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the Columbia bridge company, by their corporate name and title, is hereby authorized, should the board of directors deem it necessary, to borrow upon the faith and credit of the corporation, a sum of money not to exceed fifty thousand dollars, to be appropriated to the payment of the expenses incurred by the company in the erection of the bridge now building.

Bridge co. authorized to borrow \$50,000.

Luzerne co.  
Certain road  
taxes appro-  
priated to  
repair of  
certain roads.

SECT. 40. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, all the road taxes arising on unseated lands in the townships of Sugarloof and Newport, in the county aforesaid, shall be set apart and appropriated by the commissioners of said county, for the term of four years, one half thereof for the improvement of the state road from Wilkesbarre to Harrisburg, by the way of Solomon's gap and Jonestown within the limits of Luzerne county, and one half thereof to the improvement of the road from Wilkesbarre to Lowery Town, within the limits of said county.

Court to ap-  
point com'rs.  
to lay out  
money.

SECT. 41. *And be it further enacted by the authority aforesaid,* That on application to the court of Quarter Sessions of Luzerne county, by the persons residing on said road, for that purpose, in writing, the said court shall appoint two judicious persons residing in county, whose duty it shall be to receive the taxes, hereby appropriated, from the county treasurer of said county, and in a reasonable time, to proceed to lay out the same, in the best and most proper manner, in opening and improving said roads; and on the first day of January in each and every year, or within ten days thereafter, they shall render a correct account under oath or affirmation, of all the moneys received by them in pursuance of this act, as also of all the moneys expended by them during the preceding year, agreeably to the provisions hereof, to the commissioners of said county, who are hereby authorized and directed to settle and adjust the same: *Provided,* That the persons appointed as aforesaid shall, before they enter upon the duties of their appointment, give bond to the commissioners of the proper county, with sufficient sureties, to be approved of by the court of Quarter Sessions of the peace of said county, and filed by the clerk of said court, for the performance of their duties and faithful application of the moneys which shall come into their hands in performance of this act: *And provided also,* That the said court shall have power, as often as they may deem it expedient for the public good, to remove the persons so appointed, or any of them, and appoint others in their stead, and the persons appointed as aforesaid, shall receive for each and every day necessarily spent by them in the discharge of the duties of their appointment, the sum of one dollar, to be settled and allowed by the commissioners on settlement of their accounts.

Comm'rs to  
render annual  
account un-  
der oath.

Proviso.  
To give bond  
with sureties.

2d proviso.  
Comm'rs. lia-  
bility to re-  
moval; their  
compensa-  
tion, &c.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The ninth day of April, Anno Domini, eighteen hundred and thirty-three.  
GEO. WOLF.