by the borough collector as fully as if the same assessments were made by the borough assessments; and the citizens within the said boundaries, shall have all the rights of citizens of the said borough as heretofore established.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.
WILLIAM BIGLER,
Speaker of the Senate.

Approved—The twenty-ninth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 114.

AN ACT

To authorize the governor to incorporate a company to erect a toll bridge over the river Susquehanna, at Pittston Ferry, in Luzerne 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 A. S. Smith, John Sharp, James Jenkins, Peter Polen, George Shoemaker, Thomas F. Atherton and John L. Butler, be and they are 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 June next, procure one or more books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the Pittston Ferry bridge company, the sum of fifty dollars, for every share of stock in the said company, set opposite our respective names, in such manner and proportions, and at such times as shall be determined upon by the president and managers thereof, in pursuance of an act of the general assembly, entitled 'An Act to authorize the governor to incorporate a company to erect a toll bridge over the river Susquehanna, at Pittston Ferry, Luzerne county;"' and shall thereafter proceed to receive subscriptions to the stock of said company, at such times and places as they shall think proper: *Provided always,* That every person so subscribing in his own name or in the name of any other person, shall previously pay to the attending commissioners one dollar for every share so subscribed, out of which shall be paid the expense of taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the said company, as soon as the same shall be organized, agreeably to the provisions of this act.

Commissioners.

Form of subscription.

Proviso.

Section 2. When twenty or more persons shall have subscribed seventy-five shares of the said stock, the said commissioners, or a majority of them, shall certify under their hands and seals to the governor of the commonwealth, the names of the subscribers and the number of shares subscribed; and thereupon the governor shall issue letters patent,

Letters patent.

under his hand and the seal of the state, to create and erect the said subscribers, and also all those who may afterwards subscribe, into one body corporate and politic, in deed and in law, by the name, style and title of the "Pittston Ferry bridge company;" and by the said name, style and title, the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation; and shall be capable of taking and 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 shall be found necessary to fulfil the intent of this act; and of taking, purchasing and holding, to them and their successors, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of at their pleasure; of suing and being sued, and of doing all and every other matter or thing, which a corporation or body politic may lawfully do; and of having and using a common seal, and the same to alter at pleasure.

Name.

Privileges and franchises.

Seal.

SECTION 3. The first named five persons in the letters patent, shall, as soon as conveniently may be, after receiving the same, give notice in one or more newspaper of the county of Luzerne, of a time and place to be by them designated in said notice, not less than twenty days from the time of the first publication of said 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 the said subscribers, (by ballot,) either in person or by proxy duly authorized, one president, one secretary, six managers and one treasurer, and such other officers as they may think necessary to conduct the business, until the next annual election, and until other officers shall be chosen; and make such by-laws, rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided*, That each person shall be entitled to one vote for each share, not exceeding ten, and to one vote for every two shares held by him above that number: *And provided also*, That no person shall be allowed more than fifteen votes, whatever number of shares he may hold.

Organization.

Officers.

By-laws.

Proviso.

Votes.

SECTION 4. The stockholders shall meet on the first Monday in January in each year, at such place as shall be fixed by the rules and orders of said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid, for the ensuing year, and for doing such other business as may be necessary.

Annual election.

SECTION 5. The president and managers first to be chosen as aforesaid, and their successors in office, whenever it shall be necessary thereafter, shall procure printed certificates for all the shares of stock of the said company; and shall deliver such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber, for the share or shares, on his paying to the treasurer the amount of each share, so held; which certificate shall be transferable at his pleasure, in person, or by attorney, in the presence of the treasurer or president; and the assignee holding such certificate, having first caused the assignment to be entered on the transfer book of the company, kept for that purpose, shall become a member of the corporation.

Certificates.

Transferable.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed for transacting their business; and at such meeting, five managers shall be a quorum,

Meetings.

Quorum.

who, in the absence of the president, may choose a chairman, and in the absence of the secretary, shall keep minutes of all their transactions, entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary to carry on the erection of said bridge, and to fix their salaries and other wages; to ascertain the times and proportions in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for all money to pay the salaries of persons by them employed, and for the materials provided and labor done; which shall be signed by the president and countersigned by the secretary, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company shall be committed to them.

Engineers, &c.

Salaries.

Section 7. That if any stockholder, after thirty days notice given in one or more newspapers in Luzerne county, or written personal notice of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment for the space of forty days, after the time so appointed, every such stockholder, or his assignee shall, in addition to such instalment 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 additional penalties shall remain unpaid, for such a space of time that the accumulated penalties and instalment called for, shall become equal to the sum or sums before paid, on account of such shares as such stockholder may hold, the same shall be forfeited to the said company, and may be sold to any person for such price as can be obtained therefor.

Penalty for neglect to pay instalment.

Section 8. That the said president and managers shall keep fair and just accounts of all moneys received by them, from the said commissioners, and from the stockholders of said company, and of all penalties for delay in the payment of stock, and the amount of profits on shares that may be forfeited as aforesaid; and also of all moneys by them expended in the prosecution of said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge is completed, and until all the costs and charges and expenses for affecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the stock of said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, with the consent of the stockholders, to be convened at a general meeting for that purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner, and under the penalties as hereinbefore provided for the original subscription; that the original subscription to the stock of said company, shall not exceed, in the first instance, the sum of twenty thousand dollars, or four hundred shares; and in case of any excess, the commissioners appointed under the first section of this act, shall distribute the said stock according, and in proportion, to the several amounts subscribed for.

Accounts.

Increase of shares

Section 9. That when a complete bridge is erected over the river Susquehanna, at Pittston Ferry, aforesaid, the property of said bridge shall be vested in the said company, their successors and assigns for ever; and the said company, their successors and assigns, may demand and receive tolls from all persons passing said bridge, not exceeding the

Property vested.

Tolls.

following rates, to wit: For every wagon or carriage, having four wheels, and drawn by four horses, used for the purpose of trade or agriculture, fifty cents; for every such carriage drawn by two horses, twenty-five cents; for each four wheeled pleasure carriage, drawn by four horses, one hundred cents; for every such carriage drawn by two horses, twenty-five cents; for every such carriage drawn by one horse, ten cents; for every two wheel carriage drawn by one horse, ten cents; for every sleigh or sled drawn by four horses, twenty-five cents; for every sleigh or sled drawn by two horses, twenty cents; for every sleigh or sled drawn by one horse, ten cents; every horse with a rider, six and a quarter cents; every vehicle drawn by oxen, at the same rate as the like are drawn by horses, rating two oxen for one horse; mules to be rated the same as horses; for every horse driven or led, four cents; for every mule driven or led, four cents; for every score of sheep or swine, twenty cents; for every head of horned or muley cattle, two cents; and for every footman, two cents: *Provided*, That any person attending funerals, going to or returning from divine service on the Sabbath day, all persons going to or returning from elections or military trainings, or students or children attending schools or seminaries of learning in the neighborhood of said bridge, shall at all times be exempt from any tolls.

Penalty for taking too great toll.

SECTION 10. If the said company, their successors and assigns, or whoever may possess or own the said bridge, shall demand or receive any greater rates or prices for passing over said bridge, than is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt before any justice of the peace within ten miles of the said bridge, as debts of like amount are by law recoverable, one-half thereof for the use of the party suing therefor, and the other half for the use of the poor of the township, where said suit shall be instituted: *Provided*, That no such action shall be sustained, unless commenced within twenty days after such offence has been committed.

Dividends.

SECTION 11. The said president and managers shall keep a just and true account of all moneys received by the several collectors of tolls, for crossing said bridge; and shall make and declare a dividend of the profits and income thereof, among the stockholders, deducting therefrom all incidental and contingent charges, and such proportion of such income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing said bridge; and shall on the first Monday of January and August, in every year, publish the dividend so made of the clear profits as aforesaid, and the time and place, when and where the same will be paid to the stockholders:

Proviso.

Provided, That nothing in this act shall be so construed as to authorize said company to exercise banking privileges.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.