

[No. 104.]

## AN ACT

To authorize the Governor to Incorporate a Company for erecting a Bridge and Railroad over the River Susquehanna, at or near the Mouth of the Shickshinny Creek, in the county of Luzerne.

*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 Eli K. Price and Edward L. Cary, of the city of Philadelphia, Lewis S. Coryell, of New Hope, and Nathan Beach, Andrew Beaumont, George M. Hollenback, George W. Woodward and Henry Colt, of Luzerne county, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say: they shall and may, on or before the first Monday of August next, procure at least two books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge and railroad over the river Susquehanna, at or near the mouth of the Shickshinny creek, in Luzerne county, the sum of fifty dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly of this Commonwealth, entitled 'An act to authorize the Governor to incorporate a company for erecting a bridge and railroad over the river, Susquehanna at or near the mouth of the Shickshinny creek, in the county of Luzerne.' Witness our hand, the — day of —, one thousand eight hundred and ———."* And shall thereupon give notice, in one newspaper printed in the city of Philadelphia, one printed in Wilkesbarre, and one printed in Berwick, for one calendar month at least, of the times and places in the city of Philadelphia and borough of Wilkesbarre, when and where the said books shall be opened to receive subscriptions of stock of the said company, at which respective times and places, some one of the said commissioners shall attend, and shall permit all persons who shall offer to subscribe in the said books, which shall for that purpose be kept open at least six hours in every juridical day, for the space of at least two juridical days, if two days shall be necessary; and in any of the said days, within the hours aforesaid, any person of the age of twenty-one years, shall have liberty to subscribe in his own name, or in the name or names of any person or persons by

Com'mission'rs

Form of sub-  
scription

Notice

Who may  
subscribe

Name	<p>then also those who shall afterwards subscribe to the numbers aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "the president, managers and company, for erecting a bridge over the river Susquehanna, at or near the mouth of Shickshinny creek," and by the said name, 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 in erecting said bridge, and constructing the said railroad connected therewith, for the distance of not exceeding four miles, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, estate, 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, 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.</p>
Privileges & franchises	
Organization	<p>SECTION 3. That the five persons first named in the said letters patent, shall, as soon as conveniently may be after sealing and issuing the same, give notice in one or more of the public newspapers printed in Philadelphia, and also one or more public newspapers printed in the borough of Wilkesbarre, 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, one president, five managers, one treasurer and one secretary, and such other officers as they shall think necessary to conduct the business of the said corporation, for one year, and until other officers shall be chosen; and the said stockholders may, at their regularly notified meetings for the election of officers, make such</p>
Officers	<p>by-laws, rules, orders and regulations, not inconsistent with the laws of this Commonwealth, as shall be necessary for the well ordering of the affairs of the said company or corporation. <i>Provided always,</i> That no stockholder 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 by him held under the said number. <i>And provided further,</i> That any citizen of this Commonwealth residing more than fifty miles from the place where the election of said officers may be held, shall be permitted to vote by proxy, duly authorized and acknowledged before some alderman or justice of the peace, within thirty days next preceding</p>
By-laws	
Proviso	
2d proviso	
Proxies	

whom he shall be authorized, for one share; on the second day, for one, two or three shares; and on any succeeding day, while the said books shall remain open, for any number of shares in said stock; and if, at the expiration of the said two first days, the said book opened at Philadelphia shall not have four hundred shares therein subscribed, or the book opened at Wilkesbarre shall not have one hundred shares therein subscribed, the said commissioners respectively, may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given at each place; and when the said subscription in said books shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if, before the said subscription shall be declared to be full, application shall be made to subscribe more shares than will fill the said books, or either of them, then the said commissioners respectively, shall apportion the whole number of shares at such respective places among all those who shall have subscribed, or offered to subscribe as aforesaid, on that day at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will leave every person one or more shares; but if, after any of the said books shall have been opened, at any of the respective places aforesaid, for the space of three calendar months, the whole number of shares to the said places hereinbefore respectively allotted, shall not have been subscribed, the said book or books may be respectively transferred to any other of the said places, and there kept open as aforesaid, until the said subscriptions shall be full as aforesaid; public notice being given thereof, at the places whence and whereto the said book or books shall be respectively transferred: *Provided always*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall previously pay to the attending commissioner or commissioners, five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, 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 chosen, as hereinafter provided.

SECTION 2. That when twenty persons or more, shall have subscribed one hundred shares in the said stock, in the manner aforesaid, the said commissioners respectively, may, and when the whole number of shares shall be subscribed as aforesaid, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by or apportioned to each subscriber, to the Governor; and thereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the State, to create and erect the subscribers, and if the subscription be not full at the time,

Manner of taking subscription

Proviso

\$5 paid on subscribing

Number of shares

Letters patent

such election; but no officer or other person in the employ of said company shall be authorized to vote as the proxy or substitute of any person whatever, nor shall any person be permitted to vote as the proxy or substitute for more than two stockholders.

SECTION 4. That the said stockholders shall meet on the first Monday in January in every succeeding year, in such place as shall be fixed by the rules and orders of the said stockholders, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and for framing such rules and regulations as they may deem proper, as aforesaid.

SECTION 5. That the president and managers first to be chosen as aforesaid, shall procure certificates, to be printed or written, for all the shares of the stock of said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and attested by the secretary, and sealed with the seal of the corporation, to each person, for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereon, the sum of twenty dollars for each share, which certificate shall be transferable at the holder's pleasure, in person or by attorney, in presence of the president, treasurer or secretary, subject, however, to the payments due and 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 obtained and kept for that purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates, interest and emoluments of the company or corporation, and to vote as aforesaid at the meetings of said stockholders.

SECTION 6. That the said president and managers shall meet at such times and places and be convened in such manner as shall be agreed on for transacting their business; at such meetings, four members shall be a quorum, who, in the absence of the president, may choose a president pro tem., and shall keep minutes of transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, architects, superintendents, artists, and other agents, as they shall think necessary to conduct the erection and repair of the said bridge, and construction and preservation of the said railroad, and to fix their salaries and other wages; to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work; to draw orders on the treasurer for all moneys to pay the salaries of persons by them employed, and for the materials provided and labor done, which shall be signed by the president, or, in his absence, by the president pro tem.,

and countersigned by the secretary, or, in his absence, by the person who shall act in his stead, by the appointment of the managers present, and to do and transact all other such acts, matters and things as by the by-laws, orders and regulations of the corporation shall be committed to them.

Penalty for non-payment of instalments

SECTION 7. That if any stockholder, after sixty days notice in some one or more of the public newspapers printed in the city of Philadelphia, and in one or more in the borough of Wilkesbarre, for at least three successive weeks, of the times and places appointed for the payment of any portion of the said capital stock, shall neglect to pay such portion at the time appointed, for the space of forty days, after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment, so called for, pay at the rate of three per centum per month for every delay of such payments; and if the same and the said additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

May enter upon lands to procure materials

SECTION 8. That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers, architects, artists and agents of every kind, to enter into and upon all the lands, tenements and enclosures, near to the place where said bridge is to be erected and railroad located and constructed, to examine the ground and locations for opening quarries of stone and carrying them away, and for obtaining gravel, sand or other materials necessary for building said bridge and railroad, and for locating same; and that it shall be lawful for the said managers, superintendents, architects, engineers, or other persons employed in building said bridge, and locating and constructing said railroad, to enter with wagons, carts, sleds, cars or sleighs, or beasts of burden or draught, of any kind whatsoever, first giving personal notice to the owners, if residing in the county of Luzerne; or if the owner is not known, or resides out of the said county, then by notice of such intent to enter upon such lands for the purposes aforesaid, in one of the public newspapers printed in the borough of Wilkesbarre, for three weeks previous to such entry and use of such materials, doing as little damage as the nature of the case will admit, and repairing any breaches in fences they may have occasion to make, and making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement, to be made as hereinafter directed, upon oath or affirmation, by three indifferent freeholders, or any two of them, to be mutually chosen; or if the owners or the said managers, superintendents, engineers, architects,

Notice

Damages—how ascertained and paid

artists or agents shall refuse, after due notice or neglect, to attend or join in the choice, then the said freeholders shall be appointed by a justice of the peace, residing nearest to the site of said bridge and railroad, not interested on either side; and the said managers or other persons employed by them, as aforesaid, after tender of the appraised value of materials so to be taken, or of lands which may be excepted by the location of said bridge and railroad, may enter, occupy and use the same, without let or hindrance, either for the original construction of said bridge and railroad, or for repairing the same; but in case of non-payment by the company, as aforesaid, of the appraised damages or price of land and materials, the same shall remain a lien on all the property of the company until paid.

SECTION 9. That the president and managers of said company, shall keep fair and just accounts of all moneys received by them from said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in payment thereof, and of the amounts of the profits or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work, and also a just and fair account of all moneys received and expended by them, in any other matter prosecuted by said company, in pursuance of the franchises hereby granted, and shall at least once in every year, submit such accounts to a general meeting of the stockholders, until said bridge and railroad be completed (and ever afterwards so long as said corporation shall exist) and until all the costs, charges, and expenses, for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses be liquidated and ascertained; and if upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the said capital stock is insufficient to complete the said bridge and railroad, and prosecute the business of the said company connected therewith, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers, and company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the object of this act, and to demand and receive moneys, subscribed for such shares in like manner and under such penalties as are hereinbefore provided for the original subscriptions.

SECTION 10. That the corporation hereby intended to be erected, shall embrace within its privileges and franchises, the right to mine and transport on the said railroad, coal and other articles, and to enjoy and exercise all the rights, privileges, and functions necessary for running and transporting of said

coal, or other materials to market, and to hold coal lands, not exceeding two thousand acres, depots, and all appurtenances necessary for the transportation of coal or other articles to market, or for any purpose connected with the business of said company: *Provided*, The property so held by the corporation, independent of the said bridge and railroad, shall not exceed forty thousand dollars.

**Bridge, &c—  
to vest in  
company**

SECTION 11. That when a good and complete bridge and railroad is erected over the said river Susquehanna, at the place aforesaid, (or if the said bridge be erected without a railroad) the property of the same shall be vested in the said company as aforesaid, and also all other property held or purchased by said company, in the manner aforesaid, their successors and assigns forever; and the said company, their successors, and assigns, may demand and receive toll from travellers and others, passing said bridge, agreeably to the following rates,

**Tolls**

viz: for every coach, landau, chariot, phaeton, or other pleasurable carriage, with four wheels, drawn by four horses, the sum of one dollar and twenty-five cents, and for the same carriages, with two horses, the sum of sixty-two cents; for every wagon with four horses, the sum of seventy five cents; and for every carriage of the same description, drawn by two horses, the sum of thirty-seven cents; for every chaise, riding chair, gig, sulkey, or other two wheeled carriage, or sleigh, or sled, with two horses, the sum of thirty-one cents; and for the same with one horse, twenty cents; for a single horse and rider, the sum of twelve and a half cents; and for every led horse, or mule, the sum of six cents; for every foot passenger, the sum of three cents; for every head of horned and muley cattle, the sum of two cents; for every sheep or swine, the sum of one cent: *Provided*, That the bridge shall in no wise injure, stop, or interrupt the navigation of said river, or prevent boats from crossing, or persons from fording the said river: *Provided*, That in fixing the toll of carriages, drawn partly by horses, or mules, and partly by oxen, or wholly by oxen, two oxen shall be estimated equal to one horse or mule, but mules shall be estimated as horses in all cases.

**Proviso**

**2d proviso**

**Penalty for  
exactng too  
great toll**

**Proviso**

SECTION 12. That if the said company, their successors, or assigns, or whoever shall own or possess the said bridge and railroad, shall collect, or demand any greater rates or prices, for the passing over the said bridge, than what is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she, or they, so offending, shall for every such offence forfeit and pay the sum of twenty dollars, one moiety thereof for the use of the person who may sue for the same, and the other moiety for the support of the poor of the townships of Nescopeck and Union, to be equally divided between said townships: *Provided*, That no suit shall be brought for the recovery of such penalty or forfeiture, unless within twenty days after such offence shall have been commit-

ted: *And provided*, That all suits or actions for such forfeiture, <sup>2d proviso</sup> shall be brought before a justice of the peace residing within the township where the offence shall have been committed.

SECTION 13. That the said president, managers, and company, shall also keep a just and true account of all the moneys <sup>Collectors</sup> received by their several collectors, or receivers of tolls for crossing the said bridge, and from all other sources connected with their franchises, and shall make and declare a dividend of the profits and income thereof, among all the subscribers to the said stock of the said company, deducting first therefrom all contingent costs and charges, and such proportion of the said income, as may be deemed necessary for a reserved fund to provide against the decay and ~~for~~ the rebuilding and re-constructing of the said bridge and railroad, and appurtenances thereunto belonging, and necessary for the prosecuting of the business of the company, and shall on every first Monday of February and August, in every year, publish the dividend so 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 the same to be paid accordingly: *Provided*, That whenever any dividends shall be declared <sup>Dividends</sup> above six per centum per annum, the said company shall pay into the state treasury a tax of eight per centum on such dividend.

SECTION 14. That the said president, and managers, shall at the end of every third year, from the date of their patent of incorporation, until three years next after the bridge and railroad shall be completed, lay before the general assembly of this Commonwealth, an abstract of their accounts, showing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the tolls and transportation on said railroad, for and during the said respective period, together with an exact amount of the costs and charges of keeping the said bridge and railroad in repair, with all other contingent costs and charges, to the end that the clear annual income and profits thereof, may be ascertained and known; and if at the end of three years after the said bridge and railroad shall have been completed, it shall appear from the average profits of the said three years, that the said clear income and profits thereof, will not bear a dividend of six per centum on the whole capital stock of the said company, so expended on said bridge and railroad, then it may be lawful for the said president, managers and company, to increase the <sup>Increase of</sup> tolls herein allowed, upon each and every allowance, by an accurate ratio, so as to raise the dividends to six per centum per annum, but not in any case to exceed thirty-three per cent. upon the rates herein allowed and specified in the eleventh section; and at the end of every ten years after the bridge and <sup>Triennial accounts &c—  
abstract of, to  
legislature</sup>

Decennial re-  
port to legis-  
lature

railroad aforesaid shall be completed, the company shall render to the general assembly, a like abstract for three preceding years, and if at the end of such decennial period, it shall appear from such abstract, that the clear yearly profits and income of the said company shall bear a dividend of more than fifteen per cent. per annum, then the said tolls shall be lessened by an accurate ratio as will reduce the said dividend to fifteen per centum per annum; but these abstracts, and the graduation of the tolls, are to be made in reference to the bridge and railroad immediately connected therewith, that is, that part embraced within the bridge, and no reference is to be had to the mining of coal, or transporting the same to market, or to the profits or losses pertaining thereto.

Commence-  
ment & com-  
pletion limited

SECTION 15. That if the company shall not proceed to carry on the said work of erecting the said bridge, within the space of four years, after they shall have been incorporated, or shall not within the space of ten years, from the passing of this act, complete the said bridge, it shall and may be lawful for the legislature to resume all and singular the rights, liberties and privileges hereby granted to the said company, and in the meantime, alter, amend or extend the act of incorporation at any time when the legislature may deem the exercise of such power just and proper.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—The twenty-second day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 105.]

## A N A C T

To provide for the erection of a House for the Employment and Support of the Poor, in the county of Allegheny.

Com'issioners

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 William Robinson, jr., William Hays, John Anderson, Robert Hilands, Francis Karns, James Espy, James Carter, Robert Wallace and David Shields, be and they are hereby appointed commissioners, whose duty it shall be, or