

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners shall cause a new survey to be made of the first division of lots in the first tier of land, in the township of Newport, being one of the aforesaid fifteen townships, according to a survey of the same lots, made by William Montgomery, jun. under the authority of the state, in the year one thousand seven hundred and eighty-seven, and the same transmit to the land office: and the secretary thereof in issuing patents to the Connecticut claimants for such lots, in virtue of any certificates from said commissioners shall issue them in conformity to said new survey; and the said Connecticut claimants shall hold their land accordingly.

Approved April 9, 1807. Recorded in L. B. No. 11, p. 47.

Note (*) Chapter 2053; 16 Statutes at Large p. 245.

Note (*) Chapter 1094; 11 Statutes at Large p. 315.

Note (*) Chapter 1122; 11 Statutes at Large p. 398.

CHAPTER MMDCCCLIII.

AN ACT TO AUTHORIZE THE GOVERNOR TO INCORPORATE A COMPANY FOR ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA AT THE FALLS OF NESCOPECK, IN THE COUNTY OF LUZERNE.

Whereas it has been represented to the general assembly, by a number of the inhabitants of this commonwealth, that the erecting a good and permanent bridge across the river Susquehanna, at the falls of Nescopeck in the county of Luzerne, would greatly contribute to facilitate the intercourse between the interior of this state and the metropolis, and essentially promote the general interest thereof: Therefore,

Section I. (Section I, P. L.) 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 Anthony Morris, Samuel Mifflin, Dr. Benjamin Say, of the city of Philadelphia: Daniel Waggoner, William Henry, and George Savitz, of Northamp-

ton county; George K. Hanison, John Brown and Abraham Miller, of Northumberland county, be, and 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 day of June next, procure at least three 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 over the river Susquehanna, at the falls of Nescopeck, the sum of one hundred 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, entitled "An act to authorize the governor to incorporate a company for erecting a bridge over the river Susquehanna at the falls of Nescopeck, in the county of Luzerne." Witness our hands the day of one thousand eight hundred and "; and shall thereupon give notice in two newspapers printed at Philadelphia, one whereof shall be in the German language, in one printed at Easton, in one printed at Northumberland or Wilkesbarre, for one calendar month at least, of the times and places in the city of Philadelphia, towns of Nescopeck and Berwick, borough of Easton, Bethlehem and Allentown, when and where the said books shall be opened to receive subscriptions for the 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 three juridical days, if three days shall be necessary, and in any of the said juridical 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 whom he shall be authorized, for one share, on the second day for one or two shares, on the third 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 the said stock; and if at the expiration of the said three first days, the said book opened at Philadelphia shall not have three hundred shares therein subscribed, or the book or books opened at Easton, Bethlehem and Allentown, shall not have one hundred shares therein subscribed, or the book or books opened at Berwick and Nescopeck, 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 closed respectively; and if before the said subscription shall be declared to be full, applications shall be made to subscribe more shares than will fill 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 any other name, shall previously pay to the attending commissioner or commissioners, ten dollars for every share to be subscribed; out of which shall be defrayed the expenses attending 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 mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when twenty-five persons or more shall have subscribed one hundred shares in the said stock, the said commissioners, respectively may, and when the whole number of shares shall be subscribed, 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 the seal of the state, to create and erect the subscribers; and if the subscription be not full at the time, 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 the falls of Nescopeck;" 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; 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.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the said letters patent, shall, as soon as conveniently may be after sealing the same, give notice in two or more of the

public newspapers in Philadelphia, one whereof shall be in the German language, and also in the public newspaper of Easton, and in one or more of the public newspapers of Northumberland or Luzerne counties, 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 the said subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: Provided always, that no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, 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.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said stockholders shall meet on the first Monday in May in every succeeding year, in such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid, for the ensuing year.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates to be written or printed, for all the shares of stock of the said company; and shall deliver one such certificate signed by the president and countersigned by the treasurer, 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 his pleasure,

in person or by attorney, in presence of the president or treasurer; subject however to the payments due and that may grow 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 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 and emoluments of the company and to vote as aforesaid at the meetings thereof.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, 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 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 into 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 said bridge; 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 treasury, for all monies, to pay the salaries of persons by them employed and for the materials and labor done and provided; which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk; and to do and transact, all other such acts, matters and things, as by the by-laws, orders and regulations of the company shall be committed to them.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder after thirty days notice in some one or more of the public newspapers printed at Philadelphia, Easton, Northumberland or Luzerne counties respectively, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion 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 dividend so called for, pay at the rate of five per centum per month for every delay of such payment; 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.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all the lands, tenements and inclosures near to the place where the said bridge is to be built; and take all the stones convenient in the fish dams and to examine the ground for the purpose of opening quarries of stones, and obtaining gravel, sand or other materials necessary for building the said bridge; and that it shall and may be lawful for the said managers, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burden or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches or offences they may have occasion to make; and first making amends for any damage 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 or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side; and the said managers or other persons employed by

them as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth most conveniently situated for making and repairing the said bridge.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in the 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 monies by them expended in the prosecution of the said work; and shall at least once in every year submit such accounts to a general meeting of the stockholders until the said bridge be completed, 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 shall 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 not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the said 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 work, and to demand and receive the monies subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Susquehanna at the place aforesaid, the property of the said bridge shall be vested in the said company as aforesaid, their successors and assigns forever; and the said company, their successors and assigns

may demand and receive toll from travelers and others agreeably to the following rates: viz. for every coach, landau, chariot, phaeton, or other pleasurable carriage with four wheels, drawn by four horses, the sum of one hundred and twenty cents, and for the same carriages with two horses, the sum of sixty cents; for every wagon with four horses, the sum of eighty 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-wheel 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, the sum of twelve and a half cents; for every led horse or mule, the sum of six cents; for every foot-passenger, the sum of two cents; for every head of horned cattle the sum of two cents; for every sheep and swine, the sum of one cent: Provided always, that the said bridge shall in nowise injure, stop or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording the said river.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she, or they so offending shall for every such offense, forfeit and pay the sum of twenty-five dollars; one moiety thereof for the use of the poor of the town of Berwick and of the town of Nescopeck, equally to be divided, and the other moiety for the use of the person who may sue for the same: Provided always, that no suit or action shall be brought, unless within thirty days after such offense shall have been committed.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all and every the monies received by their several and respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall on every first Monday in April and October of every year, publish the dividend to be made of the said clear profits thereof, amongst the stockholders and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall at the end of every third year from the date of the incorporation, until two years next after the bridge aforesaid 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 said toll, for and during the said respective period, together with an exact account of the costs and charges of keeping the said bridge in repair, and 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 two years after the said bridge shall be completed it shall appear from the average profits of the said two 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, then it shall and may be lawful for the said president, managers and company to increase the tolls herein allowed, so much upon each and every allowance thereof as will raise the dividends to six per centum per annum; and at

the end of every ten years after the bridge shall be completed, they shall render to the general assembly, a like abstract of their accounts for three preceding years; and if at the end of such decennial period it shall appear from such abstract that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to fifteen per centum per annum.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of three 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.

Approved April 9, 1807. Recorded in L. B. No. 11, p. 49.

CHAPTER MMDCCCLIV.

AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA.

Section I. (Section I, P. L.) 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 the territory of this commonwealth be and is hereby divided into division-bounds as follows, to wit: The city and county of Philadelphia shall form the first division; the counties of Bucks and Montgomery the second; the counties of Chester and Delaware the third; the county of Lancaster the fourth; the counties of York and Adams the fifth; the counties of Berks and Dauphin the sixth; the counties of Cumberland and Franklin the seventh; the counties of Northampton and Wayne the eighth; the coun-