

reserved lands adjoining the town of Erie, his heirs and assigns be, and they are hereby exonerated from the condition of settlement, and residence on and improvement of the same, required by the third section of the act of assembly, entitled "An act to provide for selling the several reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, and for other purposes therein mentioned;" on condition that the said William Wallace, his heirs and assigns, shall within three years from and after the passing of this act, ditch and drain the same so as to render them fit for cultivation.

from certain conditions of settlement

On condition of draining the same.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the county of Erie, or any two of them, at the expiration of three years, from and after the passing of this act, to view and examine the ditches and drains dug and made by the said William Wallace, and shall certify to the secretary of the land office, on oath, their opinion, whether the swamps in the several tracts before mentioned, are drained sufficiently dry so as to render them fit for cultivation, and in case the ditches and drains are not completed so as to make the swamps sufficiently dry for cultivation within the three years aforesaid, then the said William Wallace, his heirs and assigns shall forfeit the whole of the land, and all payments made therefor to this commonwealth.

Commissioners to view, &c. And certify to the secretary of the land office. Land, &c. to be forfeited in case the drains shall not be completed within three years.

JOHN WEBER, *Speaker of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the nineteenth day of March, one thousand eight hundred and ten,

SIMON SNYDER.

CHAPTER LXXVIII.

An ACT to authorize the governor to incorporate a company for erecting a bridge over the river Monongahela, opposite Pittsburgh, in the county of Allegheny.

SECT. I. *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 James O'Hara, William M'Candless, David Evans, Ephraim Pentland, Jacob Beitzhoover, Adamson Tannehill, Thomas Cromwell, Thomas Enochs, and Doctor George Stevenson, of the borough of Pittsburgh, in the county of Allegheny, be, and they are hereby appointed commissioners to do and perform the several duties hereafter mentioned: *that is to say,* They shall on or before the first day of May next, provide a book or books for the entering of subscriptions, and shall write there-

Names of the commissioners.

Who shall provide a book or books, &c.

in 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 Monongahela, opposite the borough of Pittsburgh, in the county of Allegheny, the sum of twenty-five dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers, in pursuance of 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 Monongahela, opposite the borough of Pittsburgh, in the county of Allegheny;" Witness our hands this

day of _____ in the year of our Lord, one thousand eight hundred and _____

Notice to be given when and where the books shall be opened.

" And shall thereupon give notice in all the public newspapers printed in the borough of Pittsburgh; in one printed in the town of Washington, in Washington county; in one printed in Union-town, in Fayette county; and in one printed in the borough of Greensburgh, in Westmoreland county, during one calendar month at least, of the times and places, when and where the said books shall be open to receive

One or more of the commissioners to attend at the time of subscribing. How long the books shall be kept open.

subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said book or books during six hours in each of six successive juridical days, or until two thousand shares shall be subscribed; and if two thousand shares shall not be subscribed within that period, then the said commissioners respectively may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments public notice shall be given by

If 2000 shares are not subscribed, the commissioners may adjourn, &c.

means of newspapers at each place where the said books shall have been opened, or elsewhere, as occasion may require, and when two thousand shares shall have been subscribed, the books shall be closed, and public notice thereof be given in each of the newspapers before mentioned, at Pittsburgh, Washington Union-town and Greensburgh: *Provided always,* That every person on

Notice thereof to be given.

entering his name, as a subscriber in said book or books, shall

Persons on subscribing to pay \$ 5 on each share.

pay five dollars on each and every share he may subscribe towards the stock of said company, out of which shall be defrayed, the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the

How to be appropriated

treasurer of the corporation, by the commissioner or commissioners receiving the same, as soon as the same shall be organized, such first payment on each share to be taken and considered as a part payment on each share subscribed for.

When 1000 shares are subscribed, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That as soon as one thousand shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers, and the number of shares by each subscribed, in writing to the governor, who

thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name, style and title of "The president, managers and company for erecting a bridge over the river Monongahela, opposite the borough of Pittsburgh, in the county of Allegheny;" with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding their said capital stocks, and the increase and profits thereof, and of enlarging the same by new subscriptions, if enlargement be necessary to fulfil the purposes of this act, to any sum not exceeding one hundred thousand dollars.

The govern-
or to
create the
subscribers
into a body
politic.
Name and
style of
And privile-
ges.

SECT. III. *And be it further enacted by the authority aforesaid,* That the nine first named persons in the letters patent of incorporation shall, as soon as conveniently may be after sealing the same, give notice in the public newspapers of Pittsburgh, Washington, Uniontown and Greensburgh as aforesaid, 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 corporation, and shall choose by a majority of votes of the said subscribers taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, twelve managers, one treasurer, one clerk, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen, and may make such by-laws, rules, orders and regulations, (not inconsistent with the constitution and laws of this state, or of the United States,) as may be necessary for the well ordering the affairs of the company: *Provided always,* That no person shall have more than five 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 not exceeding five, to which he may be entitled.

How and by
whom notice
shall be given
of the
time and
place for or-
ganizing the
corporation.

Officers to
be chosen.

Of by-laws,
&c.

No stockholder
to have
more than
five votes.

SECT. IV. *And be it further enacted by the authority aforesaid,* That a public meeting of the said stockholders shall be held on the first Monday of June, next following the first election as aforesaid, on the first Monday in June in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of the company.

Annual
meetings of
the stockholders
to be
held on the
first Monday
of June.

SECT. V. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president, countersigned by the treasurer, attested by the clerk, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in:

Evidences of
stock to
be issued.

Payment to
be made
thereon.

Said certificates to be transferable.

part of the sum due thereon, ten dollars on each share; which certificates 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 that may grow due thereon; and the persons to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same rights, privileges and immunities in said company as if he were an original stockholder.

When the officers shall meet.

5 members of whom shall be a quorum. Minutes to be kept and entered. Powers of a quorum.

SECT. VI. *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 the business of the company; at which meeting five members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose; and a quorum being met, they shall have full power and authority to appoint such engineers, superintendants, artists, assistants and workmen as they shall deem necessary to the erection of the said bridge, and they shall fix their salaries and wages; and they shall also have power to make contracts; to ascertain the times, manner, and proportion in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for the monies necessary to pay salaries, wages, and bills for work and labour done and performed, or materials furnished; which orders 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 such other matters and things as by this act, or by the by-laws, orders, and regulations of the company, shall be committed to them.

Penalty on neglecting to pay instalments,

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in the public newspapers printed in Pittsburgh, Washington, Uniontown and Greensburgh, as aforesaid, of the time and places appointed for the payment for any proportion, dividend, or instalment of the said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per cent. per month for every month's delay of such payment; and if the same, and the said additional penalties, shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall become forfeited to the company, and may be sold under the directions of the president and managers, or a majority of a quorum of them, at any of their meetings of transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.

SECT. VIII. *And be it further enacted by the authority aforesaid,*

That it shall be lawful for the said president, and managers, their superintendants, engineers, artists and workmen to enter into and open all lands and inclosures near to the place where the said bridge is to be built, and to take all stones convenient, and to examine the ground for the purpose of opening quarries of stones, and of obtaining gravel, sand or other materials for the building of said bridge, and to enter with teams of any kind, first giving notice to the owners, doing as little damage as possible, and repairing any breach in fences that they may have occasion to make, and making amends for any damage they may have done, which damage shall be ascertained by the parties if they can agree, and if not, then by the appointment of any two or three disinterested freeholders, one to be chosen by the managers, or by any three of them, one by the party claiming to be aggrieved, and the third to be chosen by the two already so nominated, which freeholders shall be previously qualified by oath or affirmation, to decide to the best of their judgment, between the parties and the said managers, or the persons employed by them, after tender of the appraised value, may proceed to take away any stone, gravel, sand or earth that may be most conveniently situated for their purpose of erecting or of repairing the said bridge: *Provided,* That nothing in this act contained shall authorize the said company to erect said bridge without the consent of the owner or owners of the ground on each side of the river, or to erect the same in such manner as to injure, stop or interrupt the navigation of the said river by boats, rafts or other vessels.

And shall make amends for any damage committed.

How the damage shall be ascertained.

Consent of the owners of the site to be first obtained before the bridge shall be erected.

SECT. IX. *And be it further enacted by the authority aforesaid,*

That the said president and managers shall keep or cause to be kept, plain and just accounts of all receipts and payments of monies still due to, from or on part of the said company, and shall submit the same at least once in every year to a general meeting of the stockholders, and whenever it shall appear to the said president, managers and company, at any such general meeting, or at any special meeting convened for that purpose, according to the provisions of this act, or of the by-laws of the company, and that the proposed bridge cannot be completed without extending the number of shares, the same shall be extended under the directions of such meeting, so far as may be necessary to complete the proposed bridge, which additional shares shall be sold and regulated in all respects, and be attended with the same rights and privileges as the original shares are herein, or by the by-laws, rules and orders of the company directed to be.

Accounts of receipts and expenditures to be kept.

And submitted to the stockholders

Number of shares may be extended.

SECT. X. *And be it further enacted by the authority aforesaid,*

That when a good and complete bridge under the authority of this act, shall be erected over the river Monongabela, opposite

Property of the bridge. to be tested.

in the company for the term of 40 years.

Rates of toll

the town of Pittsburgh, in the county of Allegheny as aforesaid, the property of the same shall be vested in the said incorporated company, their successors and assigns during and unto the end of forty years, to commence from the time the said bridge is completed, and the said company, their successors and assigns are hereby impowered to erect gates, and demand and receive tolls as follows; *To wit*, for every foot passenger two cents; for every carriage of whatever description used for the purpose of trade or agriculture having four wheels, and drawn by six horses, thirty-seven and a half cents; for every such carriage, having four wheels, and drawn by five horses, thirty-one cents; for every such carriage, having four wheels, and drawn by four horses, twenty-five cents; for every such carriage, having four wheels, and drawn by three horses, twenty cents; for every such carriage, having four wheels, and drawn by two horses, eighteen cents; for every such carriage, having four wheels, and drawn by one horse, sixteen cents; for every carriage of whatever description used for the purpose of personal accommodation or pleasure, having four wheels, and drawn by four horses, thirty-seven and a half cents; for every such carriage, having four wheels, and drawn by two horses, twenty-five cents; for every such carriage having four wheels, and drawn by one horse, eighteen cents, for every carriage of whatever description used for the purpose of trade or agriculture, having two wheels, and drawn by four horses, twenty cents; for every such carriage, having two wheels, and drawn by three horses, eighteen cents; for every such carriage, having two wheels, and drawn by two horses, fourteen cents; for every such carriage, having two wheels, and drawn by one horse, ten cents; for every chair or other two wheeled carriage of pleasure, for every horse used therein, twelve and a half cents; for every sleigh or sled drawn by four horses, twenty cents; for every sleigh or sled drawn by three horses, eighteen cents; for every sleigh or sled drawn by two horses, sixteen cents; for every sleigh or sled drawn by one horse, ten cents, for every horse, mare or gelding without a rider three cents, for every horse, mare or gelding, with a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse; every head of horned or muley cattle, two cents; every head of sheep or swine one cent; *Provided*, That any person or persons attending funerals or any detachment of the military of this state, shall at all times be exempt from paying said toll: *And Provided further* that when the said toll shall exceed fifteen per cent nett annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll or other revenue for keeping it in repair. This excess shall be laid out in bridge stock or other productive funds and the dividends or annual product

Proviso as to funerals, &c.

When the dividends exceed 15 per cent, the excess shall go to freeing the bridge.

shall be added to this fund, and all private donations for freeing the bridge shall also be received and invested in like manner; but if by the operation of the fund herein proposed, there shall be a sufficient sum to free the bridge at a period less than the said forty years, then it shall be redeemed and become free, on the stockholders being paid the appraised value thereof, and of the profits thereof for the residue of the said term of forty years, which may then be unexpired, and if the said fund shall not be adequate to the purpose last mentioned, the legislature may at the expiration of the said forty years, declare it a free bridge, (providing at the same time the means of keeping in repair) and the company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement by disinterested persons to be chosen in such manner as shall be directed by law, the like appraisement shall take place when the sinking fund is adequate to the redemption of the bridge, and the establishment of a revenue, if a toll be not thought more eligible for keeping the bridge in repair; but if the said bridge shall not be redeemed and paid for as a free bridge, before or at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed.

Stockholders to be paid the appraised value of the bridge, &c. Bridge may be redeemed by the legislature. Terms of redemption.

If the bridge be not freed in 40 years, the company may continue to hold the same.

SECT. XI. *And be it further enacted by the authority aforesaid,* That if the said company, their successors or assigns, or any person employed by them shall collect or demand any greater rate or prices for the passing over the said bridge, than what is herein before prescribed, or shall neglect to keep the said bridge in repair, he or they shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half thereof to be paid to the overseers of the poor of the borough of Pittsburgh for the use of the poor of said borough of Pittsburgh, and the other half to the use of the person who shall sue for the same: *Provided always,* That no suit shall be brought in this respect, unless within fifteen days Sundays excepted, after the offence may be committed; *And provided also,* That the judgment of the said justice in any such case brought before him, shall be liable to reversion, either by appeal to the court of common pleas of said county, if the merits of the case be contested or by certiorari, if the legality of his proceedings or of his jurisdiction be disputed.

Penalty on taking illegal toll, &c.

How recovered. Appropriation of the forfeitures. No suit to be brought after fifteen days. Appeal allowed.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall keep a just account of all monies received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof, among all the subscribers to the said company's stock in proportion to their respective shares, first deducting all contingent costs and charges, and

Account of tolls received to be kept. And dividends declared and paid.

Notice thereof to be given.

Penalty on injuring the property of said corporation.

How recovered.

No suit to be brought after 30 days, &c.

Appeal granted.

Accounts, &c. to be laid before the legislature every 3 years.

such proportion of the said income as may be deemed necessary for a fund to provide against the decay, the repairing, or the rebuilding of the said bridge, as time and accident may render necessary; and shall, on or before the first Monday of July of every year, publish in the public papers of Pittsburgh, Washington, Uniontown and Greensburgh as aforesaid, the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place, when and where the same shall be paid, and cause the same to be paid accordingly.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy any part or parts of the said bridge or any toll house, gates, bars or other property of the said corporation, appurtenant to or erected for the use and convenience of the said bridge, or the person employed in conducting the business thereof, or shall wilfully, and without the consent and orders of the said corporation, or any persons authorized by them, deface, or destroy the letters or figures, or other characters in any written or printed list of the rates or tolls 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, and each of them forfeit and pay for every such offence, to the said corporation, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, as debts of like amount are recoverable, and he, she 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 or satisfy said damages: *Provided always,* That no suit shall be brought unless within thirty days after such offence shall have been committed, if the offender can so soon be discovered, otherwise within ten days after the president and managers do ascertain the person or persons so offending: *Provided also,* That the judgment of the said justice in any such case, shall be liable to revisal, either by appeal to the court of common pleas, of the said county, if the merits of the case be contested, or by certiorari if the legality of his proceedings or of his jurisdiction be disputed.

SECT. XIV. *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 their incorporation, until three years next after the said bridge 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 work, and of the income and profits arising from the toll received during such 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 three years, after the completion of the said bridge it shall appear from the average profits of the said three years, that the clear income and profits will not bear a dividend of six per cent. per annum on the whole capital stock of the said company so expended, then it shall be lawful for the said president, managers and company to increase the tolls herein allowed to be taken so much on each particular item, in proportion as will raise the dividend to six per cent. per annum, on the whole capital stock of the said company, and at the end of every ten years after the completion of the said bridge, the said president, managers and company shall render to the general assembly of this commonwealth, a like abstract of their accounts for the three preceding years.

Tolls may be increased in case the dividends do not amount to 6 per cent. Further account to be rendered.

SECT. XV. *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, from the passing of this act, and shall not within the space of fifteen years, from the passing thereof complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to the said company.

Limitation for beginning and completing the bridge.

JOHN WEBER, *Speaker*
of the House of Representatives,

P. C. LANE, *Speaker of the Senate,*

APPROVED—the nineteenth day of March, one thousand-eight hundred and ten.

SIMON SNYDER.

CHAPTER LXXIX.

An ACT to enable the administrators of William Irwin, late of the borough of Pittsburgh, deceased, to convey a certain lot of ground to the purchaser thereof.

WHEREAS it appears to the legislature, that William Irwin, late of the borough of Pittsburgh, did by parole contract sometime previous to his death, agree with his brother John Irwin, to exchange part of lot number three hundred and forty-nine, for parts of two lots numbered three hundred and forty-eight, and three hundred and forty-seven, all of the said lots in the borough of Pittsburgh, and bounded by Fourth-street, Market-street and the Diamond; it further appears that the difference in value of the said lots thus exchanged, was five hundred dollars, which the said John Irwin was to pay: And whereas the said John Irwin is willing, and offers at any time to pay the aforesaid sum of five hundred dollars, and to make a conveyance in fee simple, according to the agreement aforesaid: