tive to the patenting of lands," passed the eighth day of April, Anno Domini, eighteen hundred and twenty-nine; and also of the act, to extend the provisions of the foregoing act, passed the twenty-first day of March, Anno Domini, eighteen hundred and thirty-one be, and the same are hereby extended, and shall continue in full force and operation for the term of one year, from and after the eighth day of April, Anno Domini, eighteen hundred and thirty-four.

WM. PATTERSON,
Speaker of the House of Representatives.
JACOB KERN,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand, eight hundred and thirty-four.

GEO: WOLF.

No. 131.

AN ACT

To Incorporate the Harmony Bridge Company.

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 the capital stock of the Harmony bridge company shall amount to five thousand dollars, and that the same shall be divided into shares of fifty dollars each; and the subscribers to the said capital stock, shall pay the sum or sums of money for the share or shares by them, respectively, subscribed at such periods, and in such proportions as the directors of the said company may determine. **Capital $5000**

SECTION 2. That Charles Hatch, Levi Westfall, John Comfort, Nathan S. Williams, and Jesse Lane are hereby appointed commissioners, who shall be authorized to receive subscriptions to the said capital stock, at such times and places as they or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Susquehanna, for at least twenty days, of the times and places when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, two dollars shall be paid upon each share subscribed for to the commissioners or some of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of **Commiss'rs appointed.** **Books to be opened.**

the company shall from time to time direct, and give public notice of, and upon failure of payment thereof, as so directed, for thirty days thereafter; the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalment or any of them to, and for the use of the said company: *Provided*, That if the number of shares, subscribed for, shall exceed the number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Proviso.

Section 3. When forty shares are subscribed, for the persons holding the same, they shall be, and are hereby incorporated into a company, by the name of the Harmony Bridge Company, and by that name shall have perpetual succession, and all the 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, and estates real and personal, as may be necessary and convenient to them in the prosecution of their work, 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.

Style.

Capacities & privileges.

Section 4. As soon as forty shares of the said capital stock shall be subscribed, as aforesaid, it shall be the duty of the said commissioners to give notice in one of the newspapers printed in the county of Susquehanna of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose, by ballot, by a majority of votes to be delivered in person or by proxy, one president; five directors; 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 appointed, and may make such by-laws and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided always*, That no person shall have more than ten 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 or her held, not exceeding ten.

Organization of the comp'y

Proviso.

SECTION 5. The said stockholders shall meet on the first Monday in October in every succeeding year at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Subsequent elections.

SECTION 6. The president and directors first to be chosen aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject however to the payments due and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall for every share of stock held by him or her be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company and to vote as aforssaid at the meetings thereof.

Certificates of stock.

SECTION 7. The said president and directors shall meet at such times and places and be convened in such manner as shall be agreed on for transacting the business; at such meetings four members shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and 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 the construction of a bridge across the Susquehanna river near to the Bellemont and Windsor turnpike on the east, and the house of Levi Westfall on the west side of the river and below the present mouth of the Conewacta creek, in the township of Harmony, Susquehanna county, the particular site thereof to be fixed by a majority of the stockholders, and to complete the same and to fix their salaries and other wages; to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Meetings of the president and directors, and their powers.

SECTION 8. Before the said president and directors shall proceed to erect the said bridge, it shall and may be lawful for them to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge and for making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the judges of the court of Common Pleas of Susquehanna county, in the State of Pennsylvania, not being a

To contract with the owners for such lands, &c. as may be necessary, &c

Proceeding in case they cannot agree.

stockholder or otherwise interested, who upon such application is hereby authorized and directed to appoint three discreet and disinterested freeholders who, after being duly sworn or affirmed before some judge or justice of the peace faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge and for making and establishing all necessary works and roads to and from the same, and shall according to the best of their skill and judgment ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing under their hands or under the hands of any two of them, and shall return the same, together with a map, the metes and bounds of such lands and tenements, to the court of Common Pleas of the said county of Susquehanna next after they shall have agreed upon and signed the same, and the said report having been confirmed by the said court of Common Pleas, shall be filed in the office of the clerk of the said court with the map aforesaid: *Provided*, That either party shall have a right to appeal from any such report, and in that case it shall be the duty of the court of Common Pleas to direct an issue to try the same and judgment shall be given for the amount of the verdict with costs: *And provided also*, That such appeal shall not delay the operations of the company, but the same may proceed upon entering two or more sureties, to be approved by the court, for the payment of the sum finally adjudged to be due, or upon depositing in court an amount which the said court shall adjudge sufficient to cover the same. And the said president and directors, having paid the said owners respectively the several sums awarded to be paid to them in, and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in the said business; the said company shall be entitled to have, and to hold to them and their successors and assigns, forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon and not before, for the president and directors to enter upon the said lands and tenements, and to commence and complete the said bridge.

Proviso.

Appeal to the C. P.

Agents of the co. may enter on lands for materials, &c.

SECTION 9. It shall and may be lawful, for the president and directors aforesaid, their superintendents, engineers and artists, to enter into and upon all lands and enclosures, near to the place where the bridge is to be built, and to examine the ground, for the purpose of obtaining stone, gravel, or sand necessary for the building of the said bridge, and it shall and may be lawful for the said directors, 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 of fences they may have occasion to make, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three reputable freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner or managers or 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 county, not interested on either side; and the said managers, or other persons by them employed, as aforesaid, after the tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth, conveniently situated for making and repairing said bridge.

SECTION 10 The president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited, as aforesaid, and of voluntary contributions, and also all moneys by them expended in the prosecution of the said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge shall be completed, and until all the costs, charges and expenses for effecting the same shall be fully paid, and the aggregate amount of all such expenses, shall be liquidated and ascertained. President &; directors to keep acc'ts of receipts and expenditures.

SECTION 11. When a good and complete bridge shall be erected over the said Susquehanna river, at or near the place aforesaid, the property of the said bridge shall be vested in the company aforesaid, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travellers and others, not to exceed the following rates for horses and carriages, to wit: for a pleasure carriage of any description, the sum of fifteen cents for each horse or mule attached thereto; and for every wagon or other business carriage or vehicle, the sum of ten cents for each horse, mule or ox attached thereto; for a single horse or mule and rider six cents; for every led or driven horse or mule four cents; for every foot passenger two cents; for every head of horned cattle two cents; for every sheep or swine half a cent: *Provided*, All persons going to and returning from funerals, going to and returning from meeting or church on Sundays, children going to and returning from schools, and persons going to and returning from military trainings, shall be exempt from paying tolls, and all persons going to and returning from general elections: and the said company shall so erect the said bridge, as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats and rafts from passing, or persons from fording the said river. Tolls. Proviso.

Penalty for wilful injury to bridge.

SECTION 12. If any person or persons shall wilfully destroy or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other material, whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending, shall forfeit, for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered as debts of like amount are recoverable.

Penalty for demanding or taking illegal tolls, &c.

SECTION 13. If the said company, their successors or assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices, for the passing over the said bridge, than what are 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 offence, forfeit and pay the sum of thirty dollars, one half thereof for the use of the poor of the township of Harmony, and the other half part thereof for the use of the person who may sue for the same: *Provided always*, That no suit or action shall be brought, unless within ninety days after such offence shall be committed.

Proviso.

Of damages to ferries and shad fisheries

SECTION 14. The said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such cases the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act.

Dividends.

SECTION 15. The said president, directors and company, shall also keep a just and true account of all and every the moneys received by their 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 stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of 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 May and November in each and every year, publish the dividend to be made of the said 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.

Not to engage in banking.

SECTION 16. The said company shall not employ any of their funds in banking operations.

WM. PATTERSON,
Speaker of the House of Representatives.
JACOB KERN,
Speaker of the Senate.

APPROVED—The tenth day of April, Anno Domini, eighteen hundred and thirty-four. GEO: WOLF.