

common pleas of said county to the said supreme court. berty to remove the same to the said supreme court before the second term of the said court of common pleas, next after the commencement of the said action, on the same conditions, and under the same regulations as he or they now can do, in actions where the matters in controversy exceed the value of one thousand dollars.

Of fees. SECT. IV. *And be it further enacted by the authority aforesaid,* That the fees receivable in the supreme court in the city and county of Philadelphia, after the first day of April next, shall in all cases be the same as the fees by law are receivable in the court of common pleas in said city and county, for similar services.

The 19th section and other parts of the original act repealed.

SECT. V. *And be it further enacted by the authority aforesaid,* That the nineteenth section of the act to which this is a supplement, and such other parts of that act or of any other act or acts of this commonwealth as are hereby superseded or altered be, and the same are hereby repealed, and that the certificate required by the twentieth section of the act to which this is a supplement from the party or his attorney, in the precipe for the removal of any action from the said court of common pleas to the said supreme court shall declare that he verily believes the matters in controversy in that action are of the value of five hundred dollars and upwards.

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

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

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

SIMON SNYDER.

CHAPTER CXXVIII.

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

SECTION 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 John Wilkins, James Robinson of Pine township, Nath. Irish, George Shiras, George Robinson, Isaac Craig, James Irvin, John Johnston, and James Riddle 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 therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers, and company, for erecting a bridge over the Allegheny river at Pittsburgh, in the county of Allegheny, the sum

Commissioners appointed.

Who shall provide books. Entry therein.

of twenty-five dollars for each and 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, entitled "An act authorizing the governor to incorporate a company for erecting a bridge over the Allegheny river opposite Pittsburgh in the county of Allegheny." Witness our hands this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

" And shall thereupon give notice in all the public newspapers printed at Pittsburgh, during one calendar month at least, of the times and places when and where the said books shall be open to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until fourteen hundred shares shall be subscribed; and if fourteen hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time until the said number of shares shall be subscribed; of which adjournments public notice shall be given by means of newspapers, at each place where the said books shall have been opened, or elsewhere as occasion may require, and when fourteen hundred shares shall have been subscribed, public notice thereof shall be given in all the newspapers printed at Pittsburgh: *Provided always*, That every person on entering his name in the said books as a subscriber shall pay five dollars on each share he shall subscribe, as a fund, 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 treasurer of the corporation, 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.

Notice to be given when and where the books shall be opened. One &c. the commissioners to attend. If 1400 shares are not subscribed within 3 days, commissioners may adjourn. When said number shall be subscribed notice thereof to be given. \$ 5 to be paid on subscribing. How appropriated.

SECT. II. *And be it further enacted by the authority aforesaid*, That as soon as fourteen hundred 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 shares subscribed by each, 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 and style of "The president, managers and company for erecting a bridge over the Allegheny river opposite 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 stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act.

When the subscription is full the same to be certified to the governor. Who shall erect the subscribers into a body politic. Name and style of. And privileges.

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

Notice to be given of the organization of the company. That the six persons first named in the letters patent of incorporation, shall, as soon as conveniently may be, after sealing the same, give notice in two of the public newspapers printed at Pittsburgh, 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, ten 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, whatever number of shares he may be entitled to, and each person shall be entitled to one vote for each share by him held under that number.

Officers to be chosen.

Powers of.

No person to have more than 5 votes &c.

Annual meetings to be held on the first Monday in May. *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 May, next following the first election had as aforesaid, and on the first Monday in May, 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 said company.

Certificates of stock to be issued. *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, 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 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 privileges in the company.

§ 10 to be paid on each.

Certificates to be assignable.

Five members to be 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, assistants and workmen, as they shall deem necessary to the erection of the said bridge; and they shall fix their salaries and wages, 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 money necessary to * salaries, wages and bills for work and labour done and performed, or materials * 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 of the company shall be committed to them.

Minutes to be kept.
Powers of a quorum.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in two of the public newspapers printed at Pittsburgh, of the time and places appointed for the payment of 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 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 be forfeited to the company, and may be sold under the direction 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.

Penalty on neglecting to pay instalments.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, their superintendants, engineers and workmen to enter into and upon all the 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, and of obtaining stones 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

President, &c. may enter enclosures and take materials.

Damages how ascertained and paid.

* The words "pay" and "furnished" omitted in the original.

third to be chosen by the two already so nominated; which freeholders shall be 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 or materials, for the purpose of erecting and repairing said bridge: *Provided*, That nothing in this act contained shall authorize the said company to erect said bridge, so as to impede or interrupt the navigation of the said river.

Proviso.

SECT. IX. *And be it further enacted by the authority aforesaid*, That the said president and managers shall keep, or cause to be kept, fair and just accounts of all receipts, payments, and 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 manifestly to the said president, managers and company, at any such general meeting or at a special meeting convened for that purpose, according to the provisions of this act, or of the by-laws of the company, that the proposed bridge cannot be completed without extending the number of shares, the same shall be extended under the direction 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 of the company directed to be.

Accounts of receipts and payments to be kept; and submitted to the stockholders.

Number of shares may be extended.

Property of the bridge to be vested in the company.

Rates of toll.

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 Allegheny river at Pittsburgh, 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 when said bridge shall be completed; and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and receive tolls as follows, viz. for every foot passenger, two cents; for every carriage, of whatever description, used for the purpose of trade and agriculture, having four wheels, and drawn by six horses, fifty-six cents; for every such carriage, having four wheels, and drawn by five horses, fifty cents; for every such carriage, having four wheels, and drawn by four horses, forty-four cents; for every such carriage, having four wheels, and drawn by three horses, thirty-seven and a half cents; for every such carriage having four wheels, and drawn * two horses, thirty-one cents; for every such carriage, having four wheels, and drawn by one horse, twenty-five cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, and drawn by four horses,

* The word "by" omitted in the original.

fifty cents; for every such carriage, drawn by two horses, thirty-seven and a half cents; for every such carriage, drawn by one horse, twenty-five cents; for every carriage, of whatever description, used for the purposes of trade or agriculture, having two wheels, and drawn by two horses, twenty-five cents; for every such carriage, drawn by one horse, twelve and an half cents; for every chair, or other two-wheeled carriage of pleasure, for every horse used therein, twelve and an half cents; for every sled or sleigh, drawn by four horses, thirty-seven and an half cents; for every sled or sleigh, drawn by two horses, twenty-five cents; for every sled or sleigh, drawn by one horse, twelve and an half 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 horses and partly by oxen, to be rated in the proportion of two oxen for one horse; and in all cases a mule shall be rated in the same proportion as a horse; every head of horned cattle or muley cattle, three cents; every head of sheep and swine, two cents: *Provided*, That any detachment of the military of this state, and persons attending funerals, shall at all times be exempt from toll.

Proviso.

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 good repair, he or they shall, for every such offence, forfeit and pay twenty dollars; one half thereof for the poor of the county of Allegheny, and the other half for the use of the person who shall sue for the same; to be recovered before any justice of the peace in and for the county of Allegheny: *Provided always*, That no suit shall be brought in this respect, unless within thirty days after the offence committed: *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, if the merits of the case be contested or by certiorari if the legality of his proceedings or his jurisdiction be disputed.

Penalty for collecting illegal tolls.

Or suffering the bridge to be out of repair.

How recovered and appropriated.

Suit to be brought within 30 days.

Appeal granted.

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 such proportion of the said income as may be sufficient 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 every first Monday of June, of every year,

Account of the receipt of tolls to be kept.

Dividends to be declared;

and published;

publish the dividend to be made of the clear profits arising from the tolls among 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.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy with intent to injure 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 person or 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 and 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 each of them forfeit and pay for every such offence to the said corporation the sum of thirty 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 said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always,* That no such suit shall be brought unless within thirty days after such offence shall have been committed: *Provided* the judgment of the said justice in any case brought before him, shall be liable to reversion, either by appeal to the court of common pleas, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or 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 the 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, shewing the whole of the capital expended in the prosecution of the work, and of the income and profits arising from said 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 said bridge shall be completed, 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,

and paid.

Penalty on
injuring the
property of
the corpora-
tion.

Or impeding
the passage
over said
bridge.

How reco-
vered.

Suit to be
brought
within 30
days.

Statements
of the ac-
counts of
the corpora-
tion to be
laid trienni-
ally before
the legisla-
ture

If the profits
do not divide
6 per cent.
the tolls may
be raised.

so much on each particular item in proportion as will raise the dividend to six per cent. per annum, and at the end of every ten years after the said bridge shall be completed, they shall render to the general assembly a like abstract of their accounts for the three preceding years; and if at the end of any 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 cent. per annum then the nett annual profit, the excess shall compose a fund for the redemption of the said bridge, so as to render it free, save that there shall always be a small toll or other revenue for the keeping it in repair; this excess shall be laid out in bridge stock, or some other productive funds, and the dividends or annual product shall also be added to this fund, and all private donations for freeing said bridge, shall likewise 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 term of 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 be adequate to the purpose last mentioned, the legislature may at any time after the expiration of the said term of forty years, declare it a free bridge, (providing at the same time, the means of keeping it 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 appointed 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 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 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.

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 seven 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.

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

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

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

SIMON SNYDER.

If more than 15, the excess to constitute a fund for the redemption of the bridge. Said excess to be vested in productive stock.

If the bridge be not freed in 40 years, the legislature may redeem the same.

In what manner. If not redeemed in that time, the corporation may continue to hold it.

Work to be commenced within 3 and completed in 7 years.