

CHAPTER CXXIII.

An ACT to authorize the governor to incorporate a company for erecting a bridge over the west branch of the river Susquehanna from the east end of Market street, in the town of Lewisburg, in the county of Union, to the opposite shore.

SECT. 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 Jacob Dentler, John P. Degruchy, John Boyd, John Cowden of Northumberland county, and John Vaughan, Henry Toland and Simon Gratz of Philadelphia: John Dreisbach, Jacob Brobst, William Hays, William M'Queha, James Geddis, Andrew Reedy of Union county, and James Duncan and Lyons Mussina of Centre county, be and they are hereby appointed commissioners to perform the several duties hereafter mentioned. *that is to say*, they shall, on the twenty-seventh day of June 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 west branch of Susquehanna at the town of Lewisburg, the sum of fifty 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 by the president and managers, in pursuance of an act of general assembly entitled, "An act to authorize the governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge and road over the west branch of the river Susquehanna, in the counties of Union and Columbia, from the east end of Market street in the town of Lewisburg, to the opposite shore." Witness our hands this day of _____ in the year of our Lord one thousand eight hundred and _____" And shall thereupon give notice in the newspapers printed at Northumberland, and in one of the public newspapers printed at Philadelphia, and one of the public papers printed in the county of Union, during one calendar month at least, of the times and places where the said books shall be open to receive subscriptions, at which times and places some one of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of four successive juridical days, or until one thousand shares shall be subscribed; and if one 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 means of newspapers at each place where the said books shall have been opened or elsewhere as occasion may require; and when one thousand shares shall have been subscribed, the

Commissioners names.

Who shall open books for subscriptions.

And give notice where the books will be opened.

Books may be transferred from time to time.

Proviso.

books shall be closed: *provided always*, that every person on entering his name in the said books as a subscriber, shall pay three dollars on each share he shall subscribe, toward 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.

When the Governor shall incorporate the company.

SECT. II. *And be it further enacted by the authority aforesaid*, That so soon as eight hundred shares shall be subscribed, the said commissioners or a majority of them shall certify the same, together with a list of the subscribers and the 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 by the name of "The President, Managers and Company for erecting a bridge over the west branch of Susquehanna at the town of Lewisburg," 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 be necessary to fulfil the purposes of this act.

By the name and style of &c.

Notice to be given when the company shall be organized.

SECT. III. *And be it further enacted by the authority aforesaid*, 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 of Philadelphia, and also in the newspapers printed at Northumberland, Union and Centre, 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, six 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 laws of this commonwealth) as may be necessary for the well ordering the affairs of the company: *provided always*, that no person shall have more than fifteen 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.

And officers to be elected.

May make by-laws.

Proviso

Annual elections for officers.

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 in every succeeding year in 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 de-

termination of any question affecting the interests of the company.

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, twenty 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 person 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.

Subscribers to receive certificates for shares, &c.

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 meetings 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, 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 making of the said road; 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, 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.

Five members to be a quorum at a meeting of the company.

Company may appoint engineers, workmen, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice, in some one or more of the newspapers, printed in Philadelphia, and also in the newspapers printed at Northumberland, Union and Centre, of the time and place 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 centum, 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,

Penalty on neglect to pay dividends, &c.

When shares shall be forfeited.

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 for 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 upon all the lands, tenements and inclosures near to the place where the said bridge is to be built, and to take all stones, convenient in the fish-dams, 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 the 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 of 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 appraisement of any two of three disinterested freeholders, one to be chosen by the managers or by any three of them, one by the owner or party 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.

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 any 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 increasing the number of shares, the same shall be increased 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, rules and orders of the company directed to be.

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 west branch of Susquehan-

Powers of the company.

By making amends for damages, &c.

How damages shall be ascertained.

Company to keep fair accounts of money received, &c.

And increase the number of shares.

The bridge shall be vested in the said company.

na from the town of Lewisburg to the opposite shore, the property of the same shall be vested in the said incorporated company, their successors and assigns. And the said company, their successors and assigns are hereby empowered to erect gates and demand and receive tolls as follows: viz. For every carriage of whatever description used for the purpose of trade and agriculture having four wheels and drawn by six horses, one dollar; for every such carriage having four wheels drawn by five horses, sixty-two and a half cents; for every such carriage having four wheels drawn by four horses, fifty cents; for every such carriage having four wheels drawn by three horses, thirty-seven and a half cents; for every such carriage having four wheels drawn by two horses, thirty-one cents; for every such carriage having four wheels drawn by one horse, twenty cents; for every carriage of whatever description used for the purpose of personal accommodation or pleasure having four wheels and drawn by four horses, seventy-five cents; for every such carriage drawn by two horses, fifty 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, thirty-seven and a half cents; for every such carriage drawn by one horse, twenty-five cents; for every chair or other two wheeled carriage of pleasure per horse used therein, twenty-five cents; for every sled or sleigh drawn by four horses, fifty cents; for every sled or sleigh drawn by two horses, twenty-five cents; for every sled or sleigh drawn by one horse, eighteen and three-fourth cents; for every horse, mare or gelding with a rider, twelve and a half cents; for every horse, mare or gelding without a rider, twelve and a half cents; 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; every head of horned cattle, six and one fourth cents; every head of sheep and swine, two cents; for every foot passenger, six and one fourth cents; *provided*, that no toll shall be taken from any person or persons attending funerals or walking in military procession, or from person belonging to the militia in going to and returning from muster on days of training or from children going to and returning from school. Who may receive tolls, &c

Proviso.

SECT. XI. *And be it further enacted by the authority aforesaid*, That if the said company, their successors or assigns shall collect or demand any greater rates or prices for the passing over the said bridge than those hereinbefore prescribed, or shall neglect to keep the said bridge in good repair, they shall for every such offence forfeit and pay thirty dollars one half thereof for the use of the poor in the counties of Union and Columbia, the other half for the use of the person who shall sue for the same Penalty for demanding illegal toll.

to be recovered before any justice of the peace in and for the counties of Union or Columbia: *provided always*, that no suit shall be brought in this respect unless within thirty days after the offence shall have been committed.

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 deemed necessary for a growing 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 in May and November of every year, 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 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 the said toll 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, so 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 eight 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 eight 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 twelve per cent. per annum, then the said tolls shall be reduced so as to reduce the said dividend to twelve per cent. per annum.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That if the said company shall any time issue any note or

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Company shall keep just accounts of the tolls received.

Growing fund, &c.

The company shall lay before the legislature an abstract of their accounts triennially.

In what case the tolls may be increased.

And when they shall be reduced.

notes, order or orders in the nature of bank notes, or be indorsers on any note or notes, in their corporate capacity, or make discounts or receive deposits after the manner of any bank or banks; or in case the said company should at any time hereafter act contrary to the provisions contained in this section, their chartered powers and privileges shall from thenceforth be null and void.

The company shall not be engaged in banking.

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 four years from the passing of this act, and shall not within the space of seven years from the passing thereof, complete the said bridge, or shall misuse or abuse any of their corporate powers herein before granted, 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.

When the privileges of the company shall be null and void.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

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

APPROVED—the twenty-sixth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CXXIV:

An ACT to erect M'Connellsburgh in the county of Bedford, into a borough.

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 the town of M'Connellsburgh, in the county of Bedford, shall be, and the same is hereby erected into a borough, which shall be called the borough of M'Connellsburgh, and shall be comprised within the following bounds, to wit: beginning at the south west corner of the plot of said town adjoining lands of George Darrah, and running east with the plot of said town, along the lands of George Darrah and John Cook, to the east corner of the plot of said town, adjoining lands now in possession of Anthony Shoemaker and James Agnew, thence in a north direction with the plot of said town, along land of James Agnew, thence in a west direction with the plot of said town, along lands of James Agnew and George Hock, thence running with the variations of the plot of said town along lands of James Agnew, to the northwest corner of the plot of the said town; thence in a south direction with the plot of said town, along lands of Mary M'Connell and George Darrah to the place of beginning.

Boundary of the borough of M'Connellsburgh.