

## No. 124.

## AN ACT

To authorise the Governor to incorporate a company to erect a bridge over the river Susquehanna, at York Haven.

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 John Demuth, senior, and Thomas C. Hambly, of the borough of York, and Charles M. Poor and Isaac Kirk, of the county of York, and Martin Nissley, of Dauphin county, and Henry Haldeman and Jacob Gisch, of Lancaster county, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall and may, on or before the first Monday in August next, procure two books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorised to erect a bridge over the Susquehanna, at York Haven, the sum 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 time and places as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act enabling the Governor to incorporate a company to erect a bridge over the river Susquehanna, at York Haven.' Witness our hands this        day of        in the year of our Lord, one thousand eight hundred and thirty        ;" and shall give notice in two German and two English newspapers in the county of York, and in such other place as the said commissioners, or a majority of them, may seem fit, for one calendar month at least, of the times and places when and where the said books shall be open to receive subscriptions of stock for said company; at which times and places two of the commissioners shall attend, and permit and suffer all persons of lawful age to subscribe in said books in their own name or in the name of any other person or persons who shall duly authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in each juridical day for the space of three days, or until the said books so opened shall have two thousand shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books from place to place, until the whole

Commissioners named to open books.

Form of subscription.

\$25 per share.

Notice of opening of books.

Who may subscribe.

Whole No. 2000.

number of shares be subscribed, of which adjournment and transfer, the commissioners shall give such public notice as the occasion may require, and when the whole number of shares subscribed in the said books, shall amount to two thousand, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, shall first pay to the attending commissioner the sum of two dollars, for each and every share which he subscribes for in said books, out of which shall be defrayed the expense 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 organised, and the officers chosen as hereinafter mentioned.

*Proviso.*  
\$2 to be paid on each share immediately.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when four hundred shares of the said stock shall have been subscribed for, the commissioners aforesaid shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the governor, and thereupon it shall and may be lawful for the governor by letters patent, under his hand and the seal of the commonwealth, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the York Haven bridge company;" and by the said name, the subscribers 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 be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, 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.

When 400 shares are taken charter to issue.

Style.

Privileges and liabilities

SECT. 3. *And be it further enacted by the authority aforesaid*, That the two persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in two or more of the public newspapers, in the counties of York, Lancaster and Dauphin, 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 organise the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by

First election of officers.

proxy duly authorised, one president, six managers, one treasurer, and such other officers as they shall think necessary, to conduct the business of said company for one year, and until such other officers shall be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws and constitution of this state, or of the United States, as shall be necessary for the well ordering the affairs of said company, and generally to have all the powers, authorities and privileges, necessary for erecting, maintaining and keeping in repair the said bridge.

Their general powers.

Stock certificates.

Transferable.

Annual meetings of stockholders.

General powers of corporation.

SECT. 4. *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 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, five dollars on each share; which certificate shall be transferable, either by the owner in person, or by his attorney duly authorised, 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, and liable to the same responsibilities to the company.

SECT. 5. *And be it further enacted by the authority aforesaid,* That a public meeting of the said stockholders shall be held annually, at such time and place, as shall be fixed by the rules and orders of said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them.

SECT. 6. *And be it further enacted by the authority aforesaid,* That at any such meeting, or at any other meeting authorised by the by-laws of said company, a quorum being present, they shall have full power and authority to appoint such engineers, superintendents, artists, assistants and workmen, as they shall deem necessary for the erection of said bridge; they shall fix their salaries and wages, make all needful contracts, ascertain the times, manner and proportion, in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer, for the money necessary to pay salaries, wages and bills, for work or materials, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things, as by this act or the by-laws of the company shall be committed to them.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder after thirty day notice, in some one

or more of the newspapers printed in the borough of York and Harrisburg, and city of Lancaster, of the time and place appointed for such payment, 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 payment or penalty, 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, and subject to the by-laws upon this subject.

Penalty on delay in paying instalments.

May amount to forfeiture.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, their superintendents, engineers, artists, 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 of stone, 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; and in case of his dissent, then an application shall be made to any justice of the peace for said county where the premises are, who is hereby empowered to command any constable to summon three disinterested freeholders, who shall appraise and estimate the damages done; subject, however, to an appeal within twenty days, and in the ordinary form by either party to the court of common pleas for said county: *Provided,* That nothing herein contained shall be construed as authority for said company to erect the said bridge, against the consent of the owner of the ground which it would occupy, nor to erect the same so as in any manner to impede or obstruct the free navigation of said river.

Right to enter inclosures, &c. for materials.

Notice to owner.

Appraisal of damages.

Proviso. Restrictions.

SECT. 9. *And be it further enacted by the authority aforesaid,* That whenever it shall appear manifestly to the said president, managers and company, at any such general meeting, or at any special meeting, that the said 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 ones are.

Extension of capital.

SECT. 10. *And be it further enacted by the authority aforesaid,* That when a safe passage may be had across the said bridge, that then the property of the same shall be invested in the said corporate company, their successors and assigns, forever; and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and re-

Rates of toll.

ceive tolls, not more than as follows, viz: For every foot passenger, six cents; for every carriage, of whatever description, used for the purposes of trade or agriculture, having four wheels, and drawn by six horses, one dollar and fifty cents; for every such carriage, having four wheels and drawn by five horses, one dollar and twenty-five cents; for every such carriage having four wheels, and drawn by four horses, one hundred cents; for every such carriage drawn by three horses, seventy-five cents; for every such carriage drawn by two horses, sixty-two and a half cents; for every such carriage drawn by one horse, thirty-seven and a half cents; for every carriage drawn by four horses, and used for personal accommodation or pleasure, one dollar; for every such carriage drawn by two horses, seventy-five cents; for every such carriage drawn by one horse, fifty cents; for every carriage having two wheels, and used for purposes of trade or agriculture, thirty-seven and one half cents; for every such carriage drawn by one horse, twenty-five cents; for every sled or sleigh, drawn by four horses, seventy five cents; for every sled or sleigh drawn by two horses, fifty cents; for every sled or sleigh drawn by one horse, thirty-one and a fourth cents; for every horse, mare, or gelding, with a rider, twenty-five cents; for every horse, mare, or gelding, without a rider, eighteen and three fourth cents: every carriage drawn by oxen, or partly by oxen, to be rated in the proportion of two oxen for one horse; every head of horned cattle three cents, and every head of sheep and swine two cents: *Provided*, That any person or persons going to, or returning from public worship, on Sabbath days, or any detachment of militia of this state, and those who attend funerals, shall at all times be exempted from paying toll.

Proviso.  
Who shall  
pass free.

Penalty on  
exaction or  
neglect.

How recover-  
ed, &c.

Proviso.  
Suits must be  
brought with-  
in 30 days.  
2d proviso.

Appeal.  
Company pri-  
vileged to ex-  
act penalties  
from persons  
wilfully inju-  
ring property  
&c.

SECT. 11. *And be it further enacted by the authority afore-  
said*, That if the said company, their successors or assigns,  
or any person employed by them, shall collect or demand  
any greater rates or prices for passing over said bridge, than  
what is hereinbefore prescribed, or shall neglect to keep said  
bridge in repair, he or they shall, for every such offence, for-  
feit and pay thirty dollars, one half thereof to the use of the  
poor of York county, and the other half to the use of the  
person suing and recovering in said suit, to be recovered be-  
fore any justice of the peace in and for York county: *Pro-  
vided always*, That no suit shall be brought in this respect,  
unless within thirty days after the offence is committed:  
*Provided also*, That the judgment in such case shall be  
liable to revision by appeal or certiorari, as the case may be,  
to the common pleas.

SECT. 12. *And be it further enacted by the authority afore-  
said*, That if any person or persons shall wilfully pull down,  
break, or destroy, with intent to injure, any part or parts of  
said bridge, or any toll house, bars or gates, or any other

property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully, and without the consent and orders of said corporation, or any person or persons authorised by them, deface or destroy the letters or figures, or other characters, in any written or printed list of the rates of toll, affixed in any place 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 to the said corporation, for every such offence, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, as debts of the like amount are recoverable; and he, she, or they, so offending, shall remain liable to actions at the suit of said corporation for such doings, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no suit be brought, unless within thirty days after such offence shall have been committed.

Proviso.  
Suits to commence within 30 days.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if the said company shall not proceed to carry on said work within the space of two years from the passing of this act, and shall not within the space of five years from the passing thereof, complete the said bridge, then this act shall be wholly null and void.

Bridge to be commenced within 2 and completed in 5 years.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

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No. 125.

AN ACT

To revive and further to continue an act to encourage the warranting and patenting of lands north and west of the rivers Ohio and Allegheny and Conewango creek.

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 the acts, passed on the first and twentieth days of March, one thousand eight hundred and eleven, relative to the settlement of disputed titles, and to encourage the

Acts of 1st & 20th March, 1811, and previous of act of 14th March, 1814, extended 5 years.