

No. 136.

AN ACT

To authorize the Governor to incorporate a company to erect a bridge over the Kiskiminetas river on the big dam at the town of Leechburg, in Armstrong county.

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 David Leech, Samuel Houston and Jacob Hill of Armstrong county, George Thompson Crawford of Westmoreland county, and George Mulhollan, junior, of Indiana county, be and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first day of October next, procure one or more books for taking subscriptions of stock, 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 Kiskiminetas river on the big dam, at the town of Leechburg, in the county of Armstrong, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportion and at such times as shall be determined by the president and managers, in pursuance of an act, entitled "An act to authorize the Governor to incorporate a company to erect a bridge over the Kiskiminetas river at the town of Leechburg, in the county of Armstrong: Witness our hands and seals, the day of Anno Domini, one thousand eight hundred and ;" and shall thereupon give notice in at least one newspaper, printed in each of the counties of Armstrong, Westmoreland and Indiana aforesaid, for at least one month, of the times when and places where the said books shall be opened to receive subscriptions of stock to the aforesaid company, at which time and places, some one or more of the commissioners shall attend for that purpose, and shall receive subscriptions from all persons of lawful age who shall offer to subscribe in said books which shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said books shall have subscribed therein two hundred shares, and the said commissioners may adjourn from time to time, until the whole number of shares aforesaid shall be subscribed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when fifteen or more persons shall have subscribed eighty shares, the said commissioners or a majority of them,

Commissioners appointed to open books, &c.

Form of subscription:

Shares \$25 each.

Whole no. of shares 200.

When 15 persons take 80 shares; Governor to issue charter.

Style of corporation.

Privileges and liabilities.

First five named subscribers to advertise and superintend provisional election.

President, 4 managers, treasurer, &c.

Proviso. Ratio of votes to shares.

shall certify under their hands and seals to the Governor, the names of the subscribers and the number of shares subscribed by each; whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of state, to create and erect the subscribers and also all those who may hereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the president, managers and company for erecting a bridge over the Kiskiminetas river at the town of Leechburg, in the county of Armstrong, and by the said name the subscribers shall have perpetual succession and 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, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, 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.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the first five named persons in the letters patent shall, as soon as conveniently may be after the sealing of the same, give notice in one newspaper printed in the county of Armstrong, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the subscribers, or as many of them as may then be present, shall proceed to organize the said company, and shall choose by a majority of votes of the said subscribers by ballot, either in person or by proxy, duly authorized, one president, four managers, one treasurer and such other officers as they may think necessary, to conduct the business of the said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeable to the provisions of this act; and in case of removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break and alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided,* That each person shall be entitled to one vote for every share held not exceeding five, but no share or number of shares above five, shall

entitle the holder thereof to more than two votes at any election or meeting of said company: *And provided also,* ^{2d proviso} That no stockholder, whether original subscriber or assignee, ^{Delinquent stockholders precluded from voting.} shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting of said company, shall have been fully paid and discharged.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any treasurer, elected by virtue of this act, shall die, resign, refuse or neglect to give such security for the faithful discharge of his office as the board of managers may direct and require, or having given the security required, neglect or refuse to take upon him and perform all the duties of his said office, it shall be the duty of the board of managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he may have been appointed, until the next election of the stockholders, on his giving the requisite security, and until a successor shall have been duly elected and give the security required. ^{Supply of vacancies in office of treasurer.}

SECT. 5. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the Tuesday next following the second Monday in January in each succeeding year, at such place as shall be fixed upon by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid, for the year ensuing the term of service of those first elected. ^{Annual election of officers}

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for every share by him held, on his paying to the treasurer on each share so held, the sum of two dollars, which certificate shall be transferable in person or by attorney, on the books of said company, only subject to the sum due or that may hereafter become due and payable. ^{Certificates of stock. Transferable,}

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said president and managers, three of whom shall for all purposes be a quorum, shall keep minutes of all the proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other persons, as they may think necessary, to erect the said bridge, and to collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, ^{General powers and duties of president and managers.}

to draw orders on the treasurer for all debts which may be contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, attested by their secretary, and to do and transact all other acts, matters and things, which by the by-laws, orders and regulations of said company, shall be entrusted to them.

Liability of stockholders to a penalty for delay in paying instalments.

Shares may be forfeited or suit brought.

Proviso. Of the amount recovered.

Authority granted to take materials for bridge from contiguous land.

Mode of ascertaining damages, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in each of the counties of Armstrong, Westmoreland and Indiana, of the time and place for the payment of any instalment or proportion of the said capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and the additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor, or in default of payment by any stockholder of any such instalment as aforesaid, for the space of sixty days as aforesaid, the said president and managers may at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided always,* That the recovery of any such suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with the accumulated penalty at the rate aforesaid, as shall equal the sums before paid on the same share.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and labourers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said bridge shall be built, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereunto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to the improvements thereon, upon a reasonable and equitable agreement by the parties, or if they cannot agree, then a just and equitable appraisement to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by

any justice of the peace of either of the counties aforesaid, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of said bridge.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the president, managers and company, shall keep fair and just accounts, as well of all monies received by them, as those paid, laid out and expended in the prosecution of said work, and shall, at least once in every year pending the prosecution of said work, submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under the like penalties as are provided by this act for the original subscription.

SECT. 11. *And be it further enacted by the authority aforesaid,* That when the said bridge is completed as aforesaid, the property of the said bridge shall be vested in the said company as aforesaid, their successors and assigns forever, to erect a gate, and to demand and receive toll from travellers and others, at the said bridge, agreeably to the following rates, viz: for every foot passenger, two cents; for every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same, six and one fourth cents; for every such carriage having two wheels, for each horse drawing the same, five cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same, twelve and an half cents; for every dearborn wagon drawn by one horse, twelve and (an) half cents; for every chair or other two wheeled carriage of pleasure, for each horse drawing the same, twelve and an half cents; for every sleigh or sled drawn by four horses, twenty-five cents; for every sleigh or sled drawn by three horses, twenty cents; for every sleigh or sled drawn by two horses, eighteen and three fourth cents; for every sleigh or sled drawn by one horse, twelve and an half cents; for every horse, mare or gelding, with a rider, six and one fourth cents; for every horse, mare or gelding, without a rider, four cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in the proportion of two oxen for one

Annual statement to stockholders.

Increase of capital.

Rates of toll allowed to be taken for crossing bridge.

horse, and in all cases a mule shall be rated the same as a horse; for every score of sheep or swine, twelve and an half cents; for ever head of horned or muley cattle, two cents; and in no case shall it be lawful for the owner or driver of any horses or cattle, to drive more than twelve head on said bridge at the same time: *Provided*, That any person or persons attending funerals, any military company or detachment of this state or of the United States, persons attending divine worship, all persons going to or returning from any election or military training, and students and children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll.

Proviso.
Who shall
pass toll free.

Penalty on
driving, &c.
across bridge
rapidly.

SECT. 12. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully ride, drive, or lead any horse or creature, faster than a walk, when crossing said bridge, he, she or they, so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the said company as fines of the same amount are recoverable.

Penalty on
extortion on
the part of
toll collect-
ors.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if any gatekeeper for said company, their successors or assigns, shall demand and collect any greater rates or prices, for passing over said bridge, than what is herein before authorized, he, she or they, so offending, shall for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the person aggrieved, as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Proviso.

Semi-annual
declaration of
dividends.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall make and declare a dividend of the profits and increase of said bridge among the stockholders, deducting first therefrom all contingent costs and charges, and such proportions of the said income as they may deem necessary for a growing fund to provide against decay, and for the rebuilding and repairing the said bridge; and shall, on the first Monday in May and November in every year, publish a dividend of the clear profits among the stockholders, and of the time when and place where the same shall be paid, and shall cause the same to be paid accordingly.

Abstract of
accounts to be
laid before
legislature.

SECT. 15. *And be it further enacted by the authority aforesaid*, That the said president and managers shall, at the end of two years next after the said bridge shall have been completed, lay before the general assembly an abstract of their accounts, showing the whole of the capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental costs and charges,

in order that the clear yearly income and profits thereof may be ascertained and known, and if it shall then be made appear from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of ten per centum per annum on the whole capital stock of the said company so expended, then and in that case it shall and may be lawful for the president, managers and company, to increase the tolls herein allowed, so much as will raise the dividend to fifteen per centum per annum, and at the end of every two years thereafter they shall render to the general assembly a like abstract of their accounts for the preceding two years; and if, at the end of the said period of two years, it shall, from such abstract, appear that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced as will reduce the dividend to fifteen per centum per annum.

Relative to the income of bridge and increase of tolls.

Biennial statement.

Reduction of tolls.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if the company authorized by this act to be incorporated shall, at any time, institute a bank, or issue any note or notes in the nature of bank notes, or carry on any business in the nature of banking, or if the president and managers, or any other person connected with the company, shall use or invest any part of the capital stock of said company, in any incorporated bank, then in either of these cases all the powers and privileges granted by this act shall cease and determine.

Any interference with banking privileges to endanger character.

SECT. 17. *And be it further enacted by the authority aforesaid,* That before the said company shall commence the construction of said bridge, they shall cause an accurate plan thereof to be made, which said plan shall be submitted to an engineer or engineers, to be named and appointed by the canal commissioners of Pennsylvania, who, at the expense of the said company, shall particularly examine the same, and shall certify whether the execution thereof, according to the said plan, will or will not injure the safety and solidity of said dam; and if, in his or their opinion, it will so injure the said dam, then he or they shall cause such alterations to be made therein as will prevent any such injury to the said dam, and having made such alterations, if necessary, shall certify the said plan both to the company hereby created, and to the said commissioners, and the work shall then be executed according to such plan so certified as aforesaid; and if any alterations shall afterwards be found necessary, the said alteration shall be submitted to an engineer or engineers appointed as aforesaid, who shall certify that the same will occasion no injury to the said dam in manner aforesaid.

Submission of plan of bridge to state Engineers.

Certificate therefrom.

Alterations also to be submitted.

SECT. 18. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry

Two years allowed to commence and five to complete work. on the work in two years after the passing of this act, or shall not, within five years thereafter, complete the same according to the true intent and meaning thereof, then and in either of those cases all and singular the rights, liberties and franchises hereby granted to said company shall revert to the commonwealth.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventh day of April, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 137.

AN ACT

To incorporate the Norristown, Berks and Lehigh Rail-Road company.

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 Mark Richards, Joseph Barnes, William W. Wright, Peter Wager, John Patterson, William Stevens, Robert C. Martin and Bernard M. Credy, of the city of Philadelphia, Miles N. Carpenter, Isaac Koons, Benjamin E. Carpenter, Augustine Stevenson, Frederick Klett, Lemuel Paynter, Joseph Huddel and John Y. Bryant, of the county of Philadelphia, Thomas J. Gross, Thomas M. Jolly, Philip S. Markley, Jacob Leshner, George Sheaff, and George Richards, of the county of Montgomery, John S. Bechtel, David Schall, Daniel V. R. Hunter and Reuben Trexler, John Shaeffer, Jacob Fisher, George Hoof, of Berks county, Solomon Fogel, Jacob Dillinger, Peter Newhart, Stephen Balliot, Christian Pretz, Frederick Witman, Michael D. Everhart, Wendal Heimback, Andrew Krouse and Daniel Kline, of the county of Lehigh, or any two of them, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure four books, one of which shall be opened in Philadelphia, Germantown, Norristown and Allentown, in each of which they shall enter as follows: "We,

Commissioners appointed to open books, &c.