

No. 91.

An Act

To authorize the Governor to incorporate a company to erect a bridge over Stony creek, at Johnstown, in Cambria county.

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 Abram Horback of Westmoreland county, Garret Ream of Somerset county, Peter Levergood, John Linton,^{Commissioners.} George S. King, William Huber and George W. Kern of Cambria 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 July next, provide a book or books for entering of subscriptions, and shall write therein as follows: "We whose names are herunto subscribed, do promise to pay to the president, managers and company^{Form of subscription.} for erecting a bridge over Stony creek at the south-west end of Franklin street, in the borough of Johnstown, in Cambria county, the sum of twenty dollars for every share of stock in said^{§20 a share.} 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 the general assembly, entitled An act to authorize the Governor to incorporate a company to erect a bridge over Stony creek, at Johnstown, in Cambria county. Witness our hands this day of _____ in the year of our Lord one thousand eight hundred and _____;" And shall thereupon give^{Notice to be given.} notice in one or more newspapers printed in Cambria county, during one calendar month, of the times and places when said book or books shall be opened to receive subscriptions; at which times and places, some one of said commissioners shall attend for that purpose, and keep the said book or books open for six hours in each day, whereof public notice has been given as aforesaid, for four successive juridical days, or until at least one hundred shares shall have been subscribed. And if the said^{Number of shares.} number of shares are not subscribed within that period, then the said commissioners respectively, may adjourn from time to time till the said number of shares shall be subscribed, of which adjournment they shall give such further notice, as they shall think proper, and when one hundred shares shall have been subscribed, the books shall be closed: *Provided always,* That^{Proviso.} every person on entering his name in said books, shall pay to the commissioners, or any one of them, one dollar on each share he shall subscribe, out of which shall be paid the necessary 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.

When chart'r
may issue.

Style of
corporation.

Privileges &
liabilities.

SECTION 2. When twenty or more persons shall have subscribed one hundred shares of stock, the commissioners or a majority of them shall certify under their hands, the names of the subscribers, and the number of shares subscribed by each 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 Stony creek, at the south-west end of Franklin street, in the borough of Johnstown, in Cambria county," 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, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring, and conveying in fee simple or 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 body politic or corporate may lawfully do.

Organization
of corporation

Proviso.

SECTION 3. The commissioners aforesaid, or a majority of them, as soon as conveniently may be after the said letters patent shall have been sealed and obtained, shall give public notice, in at least one public paper in Cambria county, of a time and place, by them to be appointed, not less than twenty days from the first publication of the notice; at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of said subscribers, taken by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer and one clerk, to conduct the business of the company for one year, and until other officers be chosen; and the said president and managers may make such by-laws, rules, regulations and orders, not inconsistent with the constitution or 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 ten votes at any election or in determining any question arising at any meeting of the company, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

Annual
elections.

SECTION 4. A public meeting of the said stockholders shall be held on the first Monday of March, 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 ensu-

ing year, and the determination of any question affecting the interests of the company.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in said company, which shall be signed by the president and 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 four 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 treasurer for the time being, subject however to the payments due or that may grow due thereon; and the person to whom such 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.

Certificates
of stock to be
issued.

SECTION 6. The said president and managers shall meet at such times and places, and be convened in such manner, as shall be prescribed by the by-laws; 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 all their transactions fairly entered in a book; and at such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or, at their discretion, to make contracts for the erection or construction of the same or any part thereof: they shall also determine the times, manner and proportions 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, or on account of contracts, 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 matters and things as by this act or by the by-laws of the company shall be committed to them.

General
powers of the
president and
managers.

SECTION 7. If any stockholder, after twenty days notice given in any one or more newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, it may be lawful for the president and managers to sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

Collection of
stock instal-
ments.

SECTION 8. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors of said bridge to take and subscribe an oath or affirmation, before a justice of the peace of said county, that he, she or they will diligently attend to his, her or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and honestly to account to the treasurer of the company

Statement of
accounts to
treasurer of
company.

for all the money collected by him, her or them, and generally to execute with care and fidelity any lawful engagements which he, she or they may enter into with the president and managers of said bridge.

SECTION 9. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and assigns forever; and the president, managers and company, shall have the same powers, authorities and privileges, for maintaining and keeping in repair the said bridge, and for fixing the rates of toll and collecting the same, and be subject to the same duties, restrictions, penalties, fines and forfeitures, which are given and granted or imposed upon president, managers and company authorized to erect a bridge over the Conemaugh river at Blairsville, in Indiana county: *Provided*, That no toll shall be demanded from any person attending funerals, schools or churches, or going to or returning from military trainings and elections.

Powers, &c.
same as
bridge over
the Conemaugh
at Blairsville.

Proviso.
Who may
pass toll free.

Annual
dividends to
be declared.

SECTION 10. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing said bridge or otherwise, and shall make and declare a dividend and profits and incomes, after deducting all costs, expenses and charges; and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly.

Penalty on
wilful injury,
&c.

SECTION 11. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or any toll house, gates, bars, or any other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully deface or destroy any list of rates of toll affixed to any place or places for the information of passengers and others, or who shall wilfully or 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 each and every such offence, to the said corporation, the sum of ten dollars, to be recovered before any justice of the peace, as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatever over said bridge, except in a safe lantern or in some vessel secured, so that the possibility of setting fire to said bridge shall be prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any pistol, gun or other fire arms, on or near said bridge, so that said bridge might by possibility be fired or injured thereby, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless

Forfeit.

Forfeit.
Suits to commence within
30 days.

commenced within thirty days after such offence shall have been committed, or the perpetrator thereof discovered; and he, she or they so offending, shall remain liable to actions at the suit of the said corporation, for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damages.

SECTION 12. If the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not within the space of three years thereafter complete the said bridge, it shall and may be lawful for the Legislature to resume all and singular the rights, liberties and privileges hereby granted to the said company: *And provided also*, That the county shall at any time hereafter have the right of buying out the company, by re-imbursing to the stockholders such money, together with the interest, as they may have expended in the erection and completion of said bridge.

Commence within two and finish in three years.

Proviso.

JAMES THOMPSON,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

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

GEO: WOLF.

—* * *—

No. 92.

A Supplement

To an act entitled, An act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge, passed March twenty three, one thousand eight hundred and twenty six.

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 in lieu of the manner prescribed by the sixth section of the act to which this is a supplement, it shall be lawful for the managers of the House of Refuge, at their discretion, to receive into their care and guardianship, infants, males under the age of twenty-one years, and females under the age of eighteen years, committed to their custody in either of the following modes, viz: First. Infants committed by an alderman or justice of the peace, on the complaint and due proof made to him by the parent, guardian or next friend of such infant, that by reason of incorrigible or vicious conduct, such infant has render-

House of Refuge to receive, at their discretion, males under 21 years and females under 18 years.

How receivable.