

and under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 23. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the rights of said company, and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money equal to the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 57.

An Act

To incorporate a company to build a bridge over the Big Beaver creek, at Fallston, in Beaver 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 John Miner, Robert Townsend, John Pugh, M. F. Champlin, Thomas Thornely, Evan Pugh, A. W. Townsend, Jacob Townsend, Elihu T. Pugh, David Ramsey, E. K. Chamberlin, Joseph T. Pugh, John Stevenson, David Worcester, William Blanchard, Charles Lukens, James C. Fulton, C. C. Wolcott, Isaac Wade, Harvey White, David Mitchell, Stephen Jennings, Richard Morland, David Boies, James Logan, Simon Meredith, Thomas Johnson, Andrew Grayham, Thomas Beacom, William Le Barron, Edward Hoops, Samuel Cramer, William H. H. Chamberlin, Francis

Corporators.	<p>Hoops, Charles Hoops, William L. Townsend, Hamilton Hoops, John Ross, John C. Hunter, J. W. Maynard, John Boles, Benjamin Townsend, Joseph Hoops, James Irwin, David Hoops, and such other persons as may be associated with them after the passing of this act, for the purpose of erecting a bridge over the Big Beaver river, at or near the site of the Rope Ferry, opposite the village of Fallston, Beaver county, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the "Fallston Bridge company;" and by the same name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their 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 assignees, in fee simple, or for any less estate, all such lands, tenements, hereditaments, estates real and personal, as shall be necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure; 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.</p>
Name and style.	
Powers and privileges.	
Capital stock \$15,000.	<p>SECTION 2. The capital stock of the said company shall not exceed the sum of fifteen thousand dollars, divided into shares of twenty-five dollars each: <i>Provided</i>, It may be increased in the manner hereinafter specified.</p>
Shares 25 dolls. each.	
When letters patent shall issue.	<p>SECTION 3. When twenty-five persons or more shall have subscribed one hundred shares or more, and shall have paid into the joint funds of the company the sum of five dollars on each of said one hundred shares, the Governor, on evidence of the same, shall, by letters patent, under his hand and the seal of the state, create and erect the subscribers, and if said subscription be not full at the time, then also those who may thereafter subscribe to the said stock of said company, into one body politic and corporate, in deed and in law, by the name and style of the "Fallston Bridge company."</p>
Name and style.	
Notice.	<p>SECTION 4. The nine persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give public notice of a time and place by them to be appointed, not less than thirty days, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen, and make</p>
Company to be organized, and how.	
Proxies.	

such other by-laws, rules, orders and regulations, not inconsistent with the laws of the United States and this commonwealth, as shall be necessary for the well ordering of the affairs of said company: *Provided always*, That the holders shall have a vote for every share not exceeding ten; for the second ten shares two votes, and for every ten shares above that number one vote.

SECTION 5. The stockholders shall meet on the first Monday in May next after the date of their corporation, and on the first Monday in May in every succeeding year, and at such other times and places as shall be fixed on by the rules and orders of the said company, to be made, as aforesaid, for the purpose of choosing such officers, as aforesaid, for the ensuing year.

SECTION 6. The president and managers first to be chosen, as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one of such certificates, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each person, for every share by him subscribed and held, he paying to the treasurer the sum of five dollars in part for each share, which certificate shall be transferrable at his pleasure, in person or by his attorney, in presence of the president or treasurer, subject, however, to the payments due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote, as aforesaid, at the meeting thereof.

SECTION 7. The president and managers, at such times and places, and being convened in such manner as shall be agreed on for transacting business at such meetings, five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and 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 to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all moneys to pay salaries of persons by them employed, and for the materials and labour done, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by the clerk, and to do and transact all other

such acts, matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

SECTION 8. If any stockholder, after the notice of the time and place appointed for the payment of any proportion or dividend of the capital stock, shall neglect to pay such proportion at the time appointed, for the space of forty days after the time so appointed, every such stockholder, or his assignée, shall, in addition to the dividends called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

SECTION 9. It shall and may be lawful for the president and managers aforesaid, or upon their order, their superintendents, engineers and artists of any kind, to enter into and upon lands, tenements and enclosures near to the place where the said bridge is to be built, to examine the ground for the purpose of locating the bridge, building the abutments, and obtaining stone, gravel, sand or earth necessary for building said bridge, and that it shall and may be lawful for the said president and managers, or upon their order, the superintendents, engineers and artists of every kind, to enter with wagons, carts, sleds or sleighs, or beasts of burthen or draft, of any kind whatsoever, first giving notice to the owners, and doing as little damage as possible, and repairing any breaches of fences they may have any occasion to make, first making amends for any damage which may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement, to be made upon oath or affirmation of three disinterested freeholders of the neighbourhood, or any two of them, to be mutually chosen; or if the owner or president and managers, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side; and the said president and managers, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth, most convenient for making or repairing said bridge.

SECTION 10: The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the subscribers to the said undertaking, and of all penalties for delay in the payment thereof, and of the amount of the profits or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also all moneys by them expended in the prosecution of the

Penalty for
delay of pay-
ment.

Forfeiture.

May enter
upon lands
for certain
purposes.

Notice.

Damages,
how ascer-
tained,

Tender of
the appraised
value.

Just accounts
to be kept
& submitted an-
nually to the
stockholders.

said work, and shall at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock 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 by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner as hereinbefore provided. Number of shares may be increased.

SECTION 11. When a good and complete bridge shall be erected over the said river, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns, forever; and the said company, their successors and assigns, may demand and receive tolls from travellers and others, agreeably to the following rates, to wit: for every coach, landau, chariot, phaeton, or other pleasurable carriage with four wheels, drawn by four horses; the sum of seventy-five cents; and for the same carriages with two horses, fifty cents; and for every wagon drawn by four horses, fifty cents, and for every wagon with two horses, thirty-seven and a-half cents; for every chaise, riding chair, sulkey, cart, or other two wheeled carriage, or a sled with two horses, twenty-five cents; and for the same with one horse, eighteen cents; for a single horse and rider, six cents; for every led horse or mule, two cents; for every sheep and swine, one cent; and for every foot passenger, two cents: *Provided* Property of the bridge to be vested in the company forever, *always*, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording said river: *And* Tolls. *Provided further*, That a space of at least twenty-five feet shall be left between the abutment and the edge of the river on the east side, so as to prevent any impediment or obstruction on the towing path on said river. Provido.

SECTION 12. In fixing the toll of all carriages drawn in whole or part by oxen, two oxen shall be estimated equal to one horse.

SECTION 13. If the said company, their successors, assigns, or who ever shall own or possess said bridge, shall collect or demand any greater rates and prices for the passing over the said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in repair, he, she, or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars; one moiety thereof for the use of Penalty for exacting unlawful toll or neglecting to repair the bridge.

improving the public highways in the townships annexed thereto, and the other moiety for the use of the person who may sue for the same: *Provided always*, That no suit or action may be brought unless it be within thirty days after such offence shall have been committed.

SECTION 14. The president, managers and company shall also keep a just and true account of all and any the moneys received by the respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and shall, on the first Monday in February and August, every year, publish the dividends to be made of the said clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: (*Provided*,) That

the president or secretary of the said company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of said company, under oath, and shall pay annually into the treasury of the commonwealth a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Tax.

Funerals, etc. privileged.

SECTION 15. All funeral processions, and militia men going to or from training, and all persons going to or from meetings of public worship, shall be privileged to pass over the said bridge without the payment of toll.

When bridge to be commenced and completed.

SECTION 16. If the said company shall not proceed to erect the said bridge within the space of three years after they shall have been incorporated, or shall not within the space of six years from the passage of this act complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular, the rights, liberties and privileges hereby granted to said company.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.