

authority of the same, That the State Treasurer be, and he is hereby directed to pay to the order of Henry H. Burr and William M'Coy, out of any money in the treasury not otherwise appropriated, the sum of seven thousand five hundred dollars in full compensation for the use of their patent right in the construction of the Jack Narrows, Shaver's Ford, and Duncan Island, Kiskiminetas and Pittsburg aqueducts, on the line of the Pennsylvania canal, and the tow-path bridge over the Susquehanna, at Northumberland, and it is hereby made the duty of the Auditor General to charge the same to the internal improvement fund.

SECTION 2. That the Auditor General be, and he is hereby authorized and required to withdraw the appeal from the award of arbitrators, entered by him in a certain suit or action in the court of Common Pleas of the county of Dauphin, wherein the commonwealth of Pennsylvania is plaintiff, and Louisa De Pui and John Kurtz, administrators of John De Pui, deceased, are defendants, upon the payment of the costs of suit by the defendants.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 121.

An Act

To incorporate the Pike county and Port Jervis bridge company.

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 the capital stock of the Pike county and Port Jervis bridge company, for erecting a bridge over the Delaware river, from a spot on the farm of Jacob Cuddeback, in Pike county, in a direct line from the

Milford road, to a spot directly opposite and contiguous, or near to the village of Port Jervis, in Orange county, state of New York, may amount to thirty thousand dollars, and that the same shall be divided into shares of one hundred dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in proportions as the directors of said company may determine.

Commissioners. SECTION 2. Oliver S. Dimmeck, Cyrill C. D. Pinchot, and John Brink, are hereby appointed commissioners on the part of this state, who with such commissioners as may be appointed by or on the part of the state of New York,

To receive subscriptions shall be authorized to receive subscription to the said capital stock, at such times and places as they or a majority of them may direct, they or a majority of them giving notice, in one or more newspapers published in Pike county, and in case no newspaper is published in that county, then in one or more newspapers published in Wayne county, and also in one or more newspaper published in the county of Orange, in the state of New York, for at least twenty days, of the times and places when and where the

Notice of time and place. said subscriptions will be received; and at the time of subscribing for the said stock, five dollars shall be paid to the commissioners, or some one of them, on each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as such treasurer shall be appointed, and the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such person or persons, as the president and directors of the company shall from time to time direct and give public notice of, in the manner above mentioned, and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit to

Penalty or forfeiture. and for the use of said company, the shares of each and every person so failing to pay the said instalments, or any of them: *Provided*, That if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Previso. SECTION 3. When one hundred fifty shares or more of the said stock shall be subscribed for, and such stock (if necessary) shall have been apportioned as above mentioned, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of the "Pike county and Port Jervis bridge company," and by that name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase

When the subscribers shall be incorporated.

Powers and privileges.

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 should be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be 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.

SECTION 4. When one hundred and fifty shares of the said capital stock, or any greater number, shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice, in manner aforesaid; as well in Pike county aforesaid, as in the said county of Orange, of the time and place of meeting of said stockholders, not less than thirty days from the time of the first publication of said notice, in each of the said counties, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes, to be delivered in person or by proxy, (each stockholder being entitled to one vote for every share held by him,) a president, a treasurer, and six directors, who shall compose the board of direction, and be collectively denominated the president and directors of the said company, and who shall have power to conduct the business of said company for one year, and until others shall be chosen in their stead; also, to make such by-laws, rules 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 and managing the affairs of the said company; and at the meeting aforesaid, the said stockholders shall also elect, in manner aforesaid, three commissioners, who shall, within thirty days from the said election, fix upon the site or location of said bridge, and of such road or roads as shall be necessary in connection therewith, and return a survey or other definite description of the same, to the president of said company.

SECTION 5. An election for the same officers, to wit: a president, a treasurer, and six directors, shall be held annually, on the second Monday of November, in every year after that in which the first board of direction shall be chosen, at such place, in pursuance of such notice, and under the inspection of such persons, as shall have been prescribed by the by-laws, or directed by the resolutions of the board of directors, which elections shall be conducted in the same manner as that provided for in the last section;

and if it shall happen that any annual election shall not be held on the day prescribed for that purpose, the corporation shall not for that cause be dissolved, but in such cases, the election shall be held in the same manner, and with the like effect, on some early day, to be appointed and duly notified by the directors then in office, who shall however, after the day on which the election ought to have been held, be disqualified for acting as directors, except so far as may be necessary to provide for and give effect to the election so to be appointed.

Certificates
of stock.

Transfer-
-rable.

SECTION 6. The president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferrable at the pleasure of the holders, in person or by attorney, subject however, to the payments due and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her just and rateable proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Meetings of
the board.

Quorum.
Minutes.
Powers of
the board.

SECTION 7. The said president and directors shall meet for the transacting of business, at such times and places, and be convened in such manner, as shall be prescribed by the by-laws; at such meetings five members shall be a quorum, who in the absence of the president may choose a chairman, they shall keep minutes of all their transactions, fairly entered in a book, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, artists and other officers and agents, as they shall think necessary to construct the said bridge, conduct and carry on the business of the said corporation, and also, to fix their salaries and other wages, to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful; they shall also have power at any regular meeting of the board, to fill all vacancies which may occur during the year in the office of president, treasurer, or directors of the said corporation.

Vacancies.

SECTION 8. After the place for the erection of the said bridge shall be fixed as aforesaid, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors, to

contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works connected therewith, and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot so agree, in relation to any such lands or tenements situate within this state, then it shall may be lawful for the said president and directors to apply to one of the judges of the court of Common Pleas in the county of Pike, not being a stockholder, or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed, view and examine the site designated for the establishment of the said bridge, and all such lands and tenements within this state as shall be necessary for the purpose of erecting and completing the same, and of making and establishing all necessary works connected therewith, and such roads to and from the same as shall have been specified or determined on by the commissioners above mentioned, and shall, according to the best of their skill and judgment, estimate and ascertain the injury and damages which will be sustained by the owner or owners of all and singular, the lands and tenements within this state necessary to be taken or used for the purposes aforesaid, and shall report what sum or sums of money ought to be paid by the said corporation for the same, which report shall be made in writing, under the hands and seals of the said freeholders, or any two of them, and shall be returned by them, or any two of them, together with a map descriptive of such lands and tenements, to the court of Common Pleas of said county of Pike, which shall be held next after the completion of the same, and the said report having been confirmed by the said court and filed in the prothonotary's office, with the map aforesaid, and the said president and directors having paid the said owners respectively, or tendered to them, the several sums awarded to be paid to them in and by the said report, and having also paid the fees of the said freeholders, at the rate of two dollars each for every day employed by them in the said business, and their necessary expenses, the said company shall become the owners and proprietors of, and be entitled to have and to hold, to them and their successors and assigns, forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owner or owners thereof; and thereupon and thenceforth, it shall and may be lawful for the said president and directors, and all persons acting by their authority, to enter upon the said lands or tenements, and to

President & directors to contract with the owners of the land, etc. on which the bridge shall be built.
Mode of proceeding in case of disagreement.

Damages.

Map of lands.

Fees for estimating damages.

commence and complete the erection of said bridge, and otherwise to appropriate the said lands and tenements respectively, to the uses and purposes herein mentioned or contemplated, with regard to them respectively.

Powers of the board to enter upon lands, etc.

SECTION 9. It shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, artists, and agents of every kind, to enter into and upon all lands and enclosures in the said county of Pike, within convenient distance of the place where said bridge is to be built, and to examine the ground, for the purpose of obtaining stone, gravel or sand necessary for the building of the said bridge, and it shall and may be lawful for the said directors, superintendents, engineers, or any other persons employed in building of the said bridge, to enter such enclosures with wagons, carts, sleds or sleighs, or beasts of burthen or draught, of any kind whatsoever, and to dig, take and carry away any stone, gravel, sand or earth, most conveniently situated, and which should be necessary for constructing or maintaining the said bridge, or the piers, abutments, or other supports, or parts thereof, or works connected therewith, first giving notice to the owners of such enclosures, or their agents, if they shall reside thereon, or within ten miles of the same, doing as little damage as possible, and afterwards repairing any breaches of fences they may have occasion to make, and also making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, by three disinterested freeholders of the neighbourhood, or any two of them, to be mutually chosen by the parties for that purpose; or if the owner, or the said directors, superintendents, engineers, or other persons employed as aforesaid, shall neglect or refuse, upon reasonable notice, to join in the choice, then to be appointed by any justice of the peace of the said county of Pike, not interested on either side, and such damages shall forthwith, after such appraisal, be paid by the said corporation to the person or persons entitled to receive the same, together with the costs and charges attending such appraisal, and in case of default, may be sued for and recovered with costs of suit, in any court having cognizance thereof.

Notice to owners.

Damages—how ascertained.

Damages and costs to be paid.

Just accounts to be kept and submitted annually to the stockholders.

SECTION 10. The president and directors of the said company shall keep fair and just accounts of all moneys received by them from the stockholders or others, and of the profits on shares which may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work or otherwise, for and on account of the said company, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and

until all costs, charges, and expenses for effecting the same, and for constructing the work, works and roads connected therewith, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

SECTION 11. When a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge, and of the works connected therewith, shall be vested in the said company, successors and assigns, forever, and the said company, their successors and assigns, shall be entitled to demand and receive toll from travellers and others passing over the said bridge, not exceeding the following rates: for every coach, landau, phaeton, or other pleasurable carriages with four wheels, drawn by four horses, the sum of fifty cents; for the like carriages, drawn by two horses, the sum of thirty-seven and a half cents; for every wagon with four horses, the sum of fifty cents; for every wagon of the same description drawn by two horses, the sum of thirty-one and a fourth cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one and a fourth cents; for the same with one horse, the sum of eighteen and three-fourths cents; for a single horse and rider, the sum of twelve and a half cents; for every led or driven horse or mule, the sum of six and a quarter cents; for every foot passenger, the sum of two cents; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of one cent: *Provided*, That all persons going to and returning from funerals, persons going to or returning from any religious meeting or church, and children going to and returning from school, shall pass free of toll: *And provided* further, That the said company shall so erect said bridge, as in nowise to stop, intercept or injure the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the same. Rate of tolls.
Proviso.
2d Proviso.

SECTION 12. If any person or persons shall wilfully cut, destroy, break, or remove from the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chair or chairs, bolt or bolts, or any other material whatsoever, belonging to said bridge, or the abutments thereof, or works connected therewith, or otherwise wilfully or maliciously damage the same, or the banks of the river contiguous thereto, he, she or they so offending, shall forfeit and pay to the use of the said company for every such offence, over and above the damage done to the said bridge, abutments, or bank, the sum of thirty dollars, to be recovered by the said company, their successors or assignees, in any court having cognizance of the same. Penalty for injuring the bridge.

SECTION 13. If the said company, their successors or assignees, or any person or persons by their authority,

Penalty for exacting more than the lawful toll.

privity, or consent, shall collect or demand any greater prices or compensation for passing over the said bridge than is hereinbefore prescribed and specified, or shall in any instance when the said bridge shall be out of repair, neglect to repair the same, for any greater length of time than shall be reasonably requisite for that purpose, he, she or they so offending, shall for every such offence forfeit and pay the sum of thirty dollars, one-third part thereof for the use of the poor of the county of Pike, in Pennsylvania, and one-third part thereof for the use of the poor of the county of Orange in the state of New York, and the other third part thereof for the use of person or persons who may sue for the same: *Provided always*, That no such suit or action shall be brought or maintained, unless the same shall be commenced within thirty days after such offence shall be committed.

Proviso.

Ferries and shad fisheries.

SECTION 14. The said president and directors shall have power to agree with the owner or owners of any ferries or shad fisheries that may be injured by the erection of said bridge, and to compensate him or them for any damages he or they may thereby sustain; and if they cannot agree with such owner or owners, then and in such cases, the damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act: *Provided*, That no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Proviso.

SECTION 15. The said president and directors shall keep a just and true account of all monies received by them, or their respective collectors of tolls, or other agents, for crossing the said bridge, and shall at stated periods, make and declare a dividend or distribution of such monies among all the stockholders of said company, first deducting from the amount all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay and for the rebuilding and repairing of said bridge, and shall, on the first Monday of May and November in each and every year, publish the dividend to be made of the clear profits among the stockholders, with notice of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Dividends.

Banking and insurance prohibited.

SECTION 16. The said company shall not employ any of their funds in any banking or insurance company, nor issue any notes or checks in the form of bank notes, or use or exercise any banking privileges or powers.

State of New York to assent.

SECTION 17. This act shall not take effect or go into operation, until the legislature of the state of New York shall have passed an act appointing or authorizing the

appointment of commissioners, to act with the commissioners named in the second section of this act, in receiving subscriptions to the stock of the said company, and performing the several other duties hereby assigned to the said commissioners, and declaring the assent of the said state of New York to the incorporation of the said company, with the rights, powers and privileges hereby conferred, and subject to the duties and responsibilities hereby imposed on them, or intended so to be.

SECTION 18. The company hereby incorporated, shall cease to be a body corporate, if they shall not within two years from the time of their incorporation, have commenced the construction of the said bridge, and shall within three years from the same period have completed the same, and the roads connected therewith, so far as to render the same safe and convenient for the public use.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.



No. 122

An Act

To authorize the Governor to incorporate a company to make a turnpike road from the Nanticoke Dam in Luzerne county, via Shickshinny and Columbus, to Hughesville, in Lycoming county, and also an act relative to the Milford and Owego turnpike road, and to incorporate the Washington and West Middleton turnpike road company.

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 Ephlin, Thomas Downing, Abraham Bodine, John Hill, Evan Thomas, Thomas Ellis, ers.*