

SECTION 10. The present officers of "The Pittsburg Board of Trade," shall continue in their respective stations until an election shall be made under this act, and the rules, by-laws and ordinances now in force, not inconsistent with the constitution and laws of this state, or of the United States, shall be good and valid, until altered, amended or abrogated by the corporation.

SECTION 11. The estate authorized by this act to be holden by the said corporation, is limited to such lots of land and buildings as may be purchased or erected as a commercial exchange, or for such other lots and buildings as shall be deemed necessary and proper by said corporation, for the just and liberal fulfilment of the duties incident thereto, and to such investment in public stocks, ground rents, mortgages, and other securities, as may be deemed advisable for the promotion of such charitable uses as the corporation may direct, and it shall not be lawful for the said corporation to become traders or dealers in merchandise, or to effect insurances, to issue any note or notes in the nature of bank notes, to receive deposits of money, or discount any note or notes, nor shall it have power to deal in stocks, further than shall be necessary for the investment of its funds, and the disposal of the same, when the interest of the institution may require it:

LEWIS DEWART,
Speaker of the House of Representatives.
J. R. BURDEN,
Speaker of the Senate.

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

JOS: RITNER.

—••••—
No. 88.

An Act

Authorizing the Governor to incorporate a company to erect a bridge over the Monongahela river, at the borough of Birmingham, in the county of Allegheny, with power to construct a turnpike road from the south end of Denman street, in said borough, to intersect the Monongahela and Coal Hill turnpike road.

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 Alexander Miller, O. Ormsby Gregg, James Patterson, Jr., William Noble, R. A. Bausman, Thomas Daft, Charles S. Bradford, Elias Phillips, C. Ihmson, Samuel Hare, David Boggs, Jr., John McClurg, James Barr, Alexander McKibben, William Price, Samuel Leonard, A. McN. Semple, Andrew Watson, James Thompson, C. L. McGee, H. M. Watts, Alexander Carnahan, William Eichbaum, Thomas T. Whitehead, Samuel P. Darlington, William O'Leary, A. H. Hershberger, David Beeler, R. C. Townsend, David Fitzimmens, James Patterson, John D. Baird, and John Brown, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first day of June next, provide a book or books for the entering of subscriptions, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Birmingham Bridge and Road company, for erecting a bridge over the Monongahela river, at the borough of Birmingham, and of constructing a road from Denman street, in said borough, to intersect the Monongahela and Coal Hill turnpike road, in the county of Allegheny, 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 times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled 'An act authorizing the Governor to incorporate a company to erect a bridge over the Monongahela river, at the borough of Birmingham, and to construct a road as aforesaid, in the county of Allegheny;' Witness our hands, this day of , in the year of our Lord, one thousand eight hundred and ;" And shall thereupon give notice, in three of the public newspapers printed at Pittsburg, during one calendar month at least, of the times and places where and when the said books shall be open to receive subscriptions, at which time and places, some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until three thousand shares shall be subscribed; and if three thousand shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments, public notice shall be given, in some two or more of the newspapers of said city of Pittsburg: *Provided always*, That every person on entering his name in the said books as a subscriber, shall pay two dollars on each share he shall
- Commissioners.**
- To provide books.**
- Form of subscription.**
- Shares \$25 each.**
- Notice when and where books shall be open.**
- Number of shares 3000.**
- Proviso.**

subscribe, as a fund, out of which shall be defrayed the 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, such first payment on each share, to be taken and considered as a part payment on each share subscribed for.

SECTION 2. As soon as sixteen hundred shares shall have been subscribed, the said commissioners, or a majority of Governor to them, may certify the same, together with a list of the sub-^{incorporate.}scribers, and the shares subscribed by each, in writing, 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 or politic,^{Name and style.} by the name and style of "The president and managers of the Birmingham bridge and road company, for erecting a bridge over the Monongahela river, at the borough of Birmingham, and for constructing a road from Denman street, in said borough, until it intersects the Monongahela and Coal Hill turnpike road, in the county of Allegheny," with all the privileges incident to a corporation, who shall have^{Privileges & liabilities.} perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, 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 3. The six persons first named in the letters pat-^{Organization}ent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in two or more of the public newspapers printed at Pittsburg, of a time and place to be appointed, not less than thirty days from the time of issuing said notice, at which time and place, the said subscribers shall proceed to organize the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person, or by proxy^{Proxies.} duly authorized, one president, ten managers, one treasurer, one clerk, and such other officers as they may think necessary, to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, (not inconsistent

Proviso.

with the constitution and 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 stockholder shall have more than one vote for each share not exceeding five shares, and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

2d Proviso.

Annual election.

SECTION 4. A public meeting of the said stockholders shall be held on the first Monday of July next following the first election as aforesaid, and on the first Monday of July in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.

Certificates of stock.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the 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, ten 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 of the treasurer for the time being, subject however, to the payments due or that may grow due thereon; and the persons 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 in the company.

Seal.

Certificates transferable.

Meetings.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, 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 their proceedings, to be fairly entered in a book, to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages, they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw

Quorum.

Minutes.

Powers of the president & managers.

orders on the treasurer for the money necessary to pay salaries, wages, and bills for work and labor done and performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act, or by the by-laws of the company, shall be committed to him.

SECTION 7. If any stockholder, after thirty days notice in two of the public newspapers printed in Pittsburg, of the time and places appointed for the payment of any proportion, dividend, or instalment of the said capital stock still due on each share, 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 four per cent. per month for every delay of such payment, and if the same and the said additional penalties, shall remain unpaid so long that the accumulated penalties 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, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered on the minute book, by the clerk at such meeting.

Penalty for neglecting to pay instalments.

Forfeiture.

SECTION 8. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purposes of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and managers, to apply to the court of Common Pleas of Allegheny county, who, upon such application, are hereby authorized and required to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken as aforesaid, and having estimated the advantages, as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof, in writing, and

Mode of acquiring the right to any land necessary for the bridge, etc.

the same shall return, together with a map describing the bounds of such lands, to the said court of Common Pleas, and the said appraisalment having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company, having paid to the said owners respectively, the several sums awarded to be paid to them, together with the costs of the appraisalment, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners, and thereupon, and not before, it shall be lawful to commence the erection of the said bridge.

Just accounts
to be kept.

SECTION 9. The president and managers of said company, shall keep fair and just accounts of all moneys received by them from the commissioners aforesaid, and from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited, as aforesaid, of all voluntary contributions, and of all money expended by them in the prosecution of the said work, and shall once in every year, submit such accounts in detail, to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said 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 shall be deemed sufficient to accomplish the work, and to demand and receive the money subscribed on such shares, in like manner, and under like penalties as are herein provided for the original subscription.

Number of
shares may
be increased.

Right of prop-
erty to be
vested in the
company, dur-
ing 40 yrs.
from the time
of comple-
tion.

SECTION 10. When the Birmingham bridge and road company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns, during and unto the end of forty years; to commence from the time when said bridge shall be completed, and the said company, their successors or assigns, are hereby empowered to erect gates, and demand and receive tolls as follows: for every foot passenger two cents, for every carriage, of whatever

description, used for the purpose of the trade or agriculture, having four wheels and drawn by six horses, seventy-five cents, for such carriage having four wheels and drawn by five horses, sixty-two and one half cents, for every such carriage having four wheels and drawn by four horses, fifty cents, for every such carriage having four wheels and drawn by three horses, forty-four cents, for every such carriage having four wheels and drawn by two horses, thirty-seven and one half cents, for every such carriage having four wheels and drawn by one horse, thirty-one cents, for every carriage, of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, seventy-five cents, for every such carriage having four wheels and drawn by two horses, sixty-two and one half cents, for every such carriage having four wheels and drawn by one horse, thirty-seven and one half cents, for every carriage, of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, forty-four cents, for every such carriage having two wheels and drawn by three horses, thirty-seven and one half cents, for every such carriage having two wheels and drawn by two horses, thirty-one cents, for every such carriage having two wheels and drawn by one horse, eighteen cents, for every chair, or other two wheeled carriage of pleasure, for every horse used therein eighteen cents, for every sleigh or sled drawn by four horses, thirty-seven and one half cents, for every sleigh or sled drawn by three horses, thirty-one cents, for every sleigh or sled drawn by two horses, twenty-five cents, for every sleigh or sled drawn by one horse, twelve and one half cents, for every horse, mare or gelding, with or without a rider, six cents, for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse, for every head of horned or muley cattle, four cents, for every head of sheep or swine, two cents: *Provided*, That any person or persons attending funerals, any detachment of military of this state, or of the United States, foot passengers attending divine service at their places of public worship, on the Sabbath day, students, or children attending schools, or other seminaries of learning, shall at all times be exempt from toll: *Provided*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum, in place of the toll herein before mentioned: *And provided also*, That when the toll shall exceed twelve per cent. nett annual

Tolls. *Proviso.**2d Proviso.**3d Proviso.*

profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found adequate to the redemption of said bridge, so as to declare it free, (providing at the same time for its repairs,) then the said company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement, by disinterested persons, to be chosen in such manner as directed by law, but if the said bridge shall not be redeemed and paid for as a free bridge, at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same, on the terms of this act, beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other manner, as may be directed by the legislature.

Redemption
of the bridge.

Bridge not
to interrupt
navigation.

SECTION 11. The said company shall raise such bridge a sufficient height above ordinary freshets in the Monongahela river, as not to interrupt the navigation of said river by steam boats.

Penalty for
exactung un-
lawful toll,
etc.

SECTION 12. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for the passing over the said bridge, than what is herein before prescribed, or shall neglect to keep the said bridge in repair, he, or they, shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half thereof to be paid to the overseers of the poor of the borough of Birmingham, for the use of the poor of said borough, and the other half to the person who shall sue for the same: *Provided always*, That no suit shall be brought in respect of this, unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice, in any such case brought before him, shall be liable to revision, either by appeal to the court of Common Pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Proviso

2d Proviso.

Dividends.

SECTION 13. The said president, managers and company, shall keep a just account of all moneys received by their several collectors of tolls, for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof, among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against

the decay, the repairing, or the rebuilding of the said bridge, as time and accident may render necessary, and shall, on every first Monday of January, and every first Monday of July of every year, publish the dividend to be made of the clear profits arising from the tolls, among 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, in ten days thereafter.

SECTION 14. If any person or persons shall wilfully pull down, break, or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation, erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls, affixed in any place for the information of passengers, 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, for every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace, or alderman, as debts of like amount are recoverable, and he, she, or they, so offending, shall remain liable to actions, at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always,* That no such suit shall be brought, unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversion, as provided for in similar cases by law.

Penalty for
injuring the
bridge, &c.
etc.

Proviso.

SECTION 15. The said company shall not have power to issue any note or notes, in the nature of bank notes, or to make discounts, or receive deposits, after the manner of any bank or banks, and in case they should do so, contrary to the provisions of this section, then their chartered privileges shall be null and void.

Banking pro-
hibited.

SECTION 16. If the president, managers and company for erecting the bridge aforesaid, over the Mononahela river, and constructing a road aforesaid, shall not proceed to carry on the said work, within the space of three years from the passing of this act, and shall not, within the space of six years from the passing thereof, complete the same, it shall be lawful for the legislature of this commonwealth, to resume all and singular, the rights and privileges hereby granted to the said company:

Work to be
commenced
in 3, and fin-
ished in 6 yrs:

SECTION 17. The president, managers and company aforesaid, shall have power to survey, lay out, and complete a

Turnpike from Denman-st. to intersect the Monongahela and Coal Hill turnpike.

Privileges & restrictions.

Proviso.

2d Proviso.

Persons attending divine service exempted from paying toll.

turnpike, from the south end of Denman street, in the borough of Birmingham, to intersect the Monongahela and Coal Hill turnpike road, at its junction with the new township road recently laid out, from Boggs', through the farms of the late Jacob Beltzhoover, deceased, and Joseph Allen, and generally, have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, and managers and company of the Pittsburg and Birmingham turnpike road, by an act passed the twenty-fourth day of February, one thousand eight hundred and six: *Provided*, That no toll shall be demanded or taken from any person passing or repassing from one part of his farm to the other, or to or from any place of public worship, funeral, militia training, general election, or from any student or child going to or from any school or seminary of learning: *And provided also*, That if the company shall not proceed to carry on the work in three years after the passing of this act, or shall not within five years complete the said road, according to the true intent and meaning of this act, then, in either of these cases, all and singular, the rights, liberties and franchises hereby granted to the company by this section, shall revert to the commonwealth.

SECTION 18. That no part of section seven of the act of February seventeenth, eighteen hundred and sixteen, incorporating certain companies for building bridges over the Monongahela and Allegheny rivers, at Pittsburg, which relates to the exemption of persons from toll, passing to and from places of public worship, shall be so construed as to authorize the exemption from toll of any other persons than such as may be passing said bridges for the purpose of attending divine service at their regular and stated places of public worship.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

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

JOS : RITNER.