

Borough of
Harrisburg.

Town coun-
cil divided
into 3 classes

SECTION 12. That after the passage of this law, the town council of the borough of Harrisburg, shall be divided by lot, as equally as may be, into three classes, the term of service of the members of the town council of the first class shall be vacated at the expiration of the first year, those of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be elected annually, and so much of any act as is hereby altered and supplied, be, and the same is hereby repealed.

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

Speaker of the Senate.

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

JOS : RITNER.

No. 91.

An Act

Authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river, at or near the borough of Franklin.

Commiss'rs.

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 M^cCalmant, John Galbraith, Arnold Plumer, John Evans, L. T. Reno, James Kinnear, John W. Howe, Hugh M^cClelland, James R. Snowden, and Jacob Dubbs, of Franklin, Elijah Heath, Thomas Hastings, Levi G. Clover, and C. A. Alexander, of Brookville, Hardman Philips, James M^cGark, and Henry Lorain, of Philipsburg, Thomas Burnside, John Mitchell, and Benjamin Bennett, of Bellefonte, Henry Shippen, Joseph Douglass, Griffith Bennett, Stephen Barlow, David Dick, and John M^cFarland, of Meadville, William Curry, John Robinson, and Joseph L. Chase, of Titusville, Robert Falconer, Josiah Hall, and Robert Miles, of Warren, Thomas S. Cunningham, John J. Pearson, and John Findley, of Mercer, P. S. V. Hamot, John H. Walker, Daniel Dobbins, Elijah

Babbitt, and John Marvin, of Erie county, Robert Ress, Job England, and Benjamin Bonsell, of Clearfield county, 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 Franklin and Allegheny Bridge company, for erecting a bridge over the Allegheny river, at or near the borough of Franklin, in the county of Venango, the sum of twenty dollars for each and every share of stock in the said company, set opposite 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 Allegheny river, at or near the borough of Franklin, and county of Venango;' Witness our hands, this day of in the year of our Lord, one thousand eight hundred and thirty- ,"

To provide books.
Shares \$20 each.
Notice when where the books shall be open.
2000 shares.
Provido.

and shall thereupon give notice, in five of the public newspapers printed one at Bellefonte, one at Franklin, one at Erie, one at Brookville, and one at Meadville, 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 two thousand shares shall be subscribed, and if two 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 one or more of the newspapers before mentioned: *Provided always*, That every person on entering his name in the said books as a subscriber, shall pay five dollars per share on each share he shall 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.

SECTION 2. As soon as three hundred shares shall have been subscribed, the said commissioners, or the first five named, may certify the same, together, with a list of the subscribers, and the shares subscribed by each, in writing, to the Governor, who thereupon, shall constitute the said

Charter.

subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of "The President and Managers of the Franklin and Allegheny Bridge company, for erecting a bridge over the Allegheny river, at or near the borough of Franklin, in the county of Venango," with all the privileges incident to a corporation, who shall have 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 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.

Organization SECTION 3. The three first named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed at Franklin, of a time and place to be appointed, not less than twenty 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, duly authorized, one president, four 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 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.

Proviso. SECTION 4. A public meeting of the said stockholders shall be held on the first Monday of June next following the

first election had as aforesaid, and on the first Monday of June 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.

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, five 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.

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 three 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 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 one public newspaper printed in Franklin, one in Brookville, one in Meadville, one in Erie, one in Mercer, and one in Harrisburg, of the time and places appointed for the payment of any proportion, dividend, or instalment of the said capital

Certificates
of stock.

Transferable

Meetings.

Quorum.

Minutes.

Power to ap-
point officers,
etc.

Penalty for
neglect to
pay instal-
ments.

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 in the minute book, by the clerk at such meeting.

Forfeiture.

Mode of acquiring the right to any land for the Bridge.

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 Venango county, who upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also, to call upon the owner or owners of said lands, whose duty it shall be to appoint one, 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 the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement 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 appraisement, 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.

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 moneys 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 upon such liquidation, or whenever the whole capital stock of the said company 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 moneys subscribed on such shares, in like manner, and under like penalties as are herein provided for the original subscription.

Just accounts to be kept.

Number of shares may be increased.

SECTION 10. When the Franklin and Allegheny Bridge 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, viz: 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-one cents, for every such carriage having four wheels and drawn by one horse, twenty-five cents, for every carriage, of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four

Right of property to be vested in the company during forty yrs. from the time of completion.

Tolls.

horses, one dollar and twenty-five cents, for every such carriage having four wheels and drawn by two horses, seventy-five cents, for every such carriage having four wheels and drawn by one horse, twenty-five cents, for every carriage, of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, fifty 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, twenty-five 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, twenty-five 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 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 three cents, for every head of sheep or swine, one cent: *Provided*, That any person or persons attending funerals, going to or returning from divine worship, all persons going to or returning from elections, or military trainings, and students or children attending schools or seminaries of learning, shall at all times be exempted from the payment of any toll: *And 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 fifteen per cent. nett annual 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,

Proviso,

2d Proviso.

3d Proviso.

Redemption of the Bridge.

beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other, as may be directed by the legislature.

SECTION 11. 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 Franklin, 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 judgment of the said justice in any such case brought before him, shall be liable to reversion, 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.

SECTION 12. The said president and 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 the first week of June 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, or as soon as the same shall be demanded.

SECTION 13. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president or managers, to enter in and upon all the tenements and enclosures, for the purpose of examination and location, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same; and in case of refusal to pay the owner of said material therefor, suit may be sustained and recovered,

had, in like manner as other debts are now recoverable by law.

SECTION 14. That the Governor be, and he is hereby authorized and required to subscribe fifteen thousand dollars, in shares of twenty dollars each, to the stock of the Franklin and Allegheny bridge company, as soon as five hundred shares shall be subscribed for by individuals, companies, or counties, and it shall be the duty of the Governor to draw his warrant in favor of the president of said company, on the State Treasurer, for the amount of said subscriptions, in instalments, at the same time, and in the same proportion that other stockholders in said company are by the president, directors and managers, required to pay, upon being officially notified by the president of said company that such instalment is required by the board of managers of said company; and if the said president and managers shall at any time require any instalment to be paid on the stock held by the state, of greater proportion than that held by other stockholders, they shall be deemed guilty of a misdemeanor in office, and held personally liable for the repayment of said excess, to the State Treasurer; or, if the said president and managers shall refuse or neglect to enforce the collection and payment of the instalments required of stockholders, agreeable to the seventh section of this act, the said president and managers for the time being, shall be held personally liable for any loss that may accrue to the said company from such refusal or neglect: *Provided always*, That if any of the said managers shall dissent from the proceedings of said board, in relation to the duties required by this section, and shall record their dissent upon the minutes of the board, and notify the Governor of such proceedings, such managers so dissenting, shall be exonerated from the liabilities which would be otherwise incurred under the provisions of this section.

Governor to subscribe \$15,000 in shares, etc.

Manner of paying instalments.

Proviso.

Commissioners of certain counties may subscribe.

Proviso.

Penalty for injuring bridge, etc.

SECTION 15. It may be lawful for the commissioners of the counties of Venango, Crawford, Erie, Mercer and Jefferson, to subscribe for the use of their respective counties, any amount of stock to said company not exceeding five thousand dollars in any one county, and to levy and collect a tax for that purpose: *Provided*, That they shall not in any one year assess more than one mill to the dollar on the valuation had for county rates and levies.

SECTION 16. 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 reversal, as provided for in similar cases by law. Proviso.

SECTION 17. 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, or to do or conduct any other business in the nature of banking business, and in case they should do so, contrary to the provisions of this section, then their chartered privileges shall be null and void. Banking prohibited.

SECTION 18. If the president, managers and company for erecting the bridge aforesaid, over the Allegheny river, 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 and may be lawful for the legislature of this commonwealth to resume, all and singular, the rights and privileges hereby granted to the said company. Time of commencing and completing the work.

SECTION 19. The legislature shall have power to alter the rate of tolls fixed by this act, and the managers of said company may lessen the same, whenever they shall believe it necessary for the well being of the company, or the community at large. Rate of tolls may be altered.

SECTION 20. The said company shall raise such bridge sufficient height above the ordinary freshets in the Allegheny river, to enable steam boats to pass under it. Height of bridge.

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.