

contrivances, or shall obstruct or endanger the free use of the natural channel or passage aforesaid, the party so offending shall be proceeded against on the part of the said city of Philadelphia, in the same manner, and shall be subject to the same penalties, for the use of said city, as are prescribed and set forth in the fourth section of this act.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 17.

An Act

To authorize the Governor to incorporate a company to erect a Bridge over the Lackawaxen river, at or near its mouth, in the county of Pike, and for other purposes.

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 Benjamin Halbert, Jacob Bonnell, Abraham Shimer, Charles B. Ridgway, Moses Brink, Samuel Darling, Jonathan Rosencrans, William R. Halbert, Joseph Atkinson, Otto Kimble, and Rodolphus Bingham, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of January next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: "We whose names are hereto subscribed, do promise to pay to the President, Managers and company for erecting a Bridge over the Lackawaxen river, at or near its mouth, in the county of Pike, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion, and at such times as may be determined by the president and managers, in pursuance of an act of assembly entitled An act to authorize the Governor to incorporate a company to erect a bridge over the Lackawaxen river, at or near its mouth, in the county of Pike."

Comm'rs.

To procure books.

Form of subscription.

Witness our hands, the _____ day of _____, one thousand eight hundred and _____, and shall thereupon give notice in one or more newspapers printed in the county of Wayne, at least one month, of the time and place where the said books shall be open to receive subscriptions of stock to the aforesaid company, at which time and place some one or more of said commissioners shall attend for that purpose, which books shall be kept open for the purpose aforesaid, at least six hours in each day whereof notice as aforesaid shall have been given, or until the said books shall have subscribed 500 shares therein five hundred shares, and the said commissioners may adjourn from time to time, until the whole number of shares aforesaid shall be subscribed.

SECTION 2. When twenty or more persons shall have subscribed one hundred and fifty shares, the said commissioners, or a majority of them, shall certify under their hands and seals to the Governor, the names of the subscribers and the number of shares subscribed by each, whereupon it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also those who may thereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style, and title of The Lackawaxen Bridge company, and by the said name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner as they may think proper, and of purchasing, taking and holding to them and their successors and assigns, and of selling and transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments, real and personal, as shall be necessary to them in the prosecution of their work, and the collection of tolls, 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 3. The first five named persons in the letters patent shall, as soon as conveniently may be after the seal, Organization of the same, give notice in one or more newspapers printed in the county of Wayne, of a time and place by them to be appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose by a majority of votes of said subscribers, by ballot, either in person or by proxy, duly authorized, one president, six managers and one treasurer, to conduct the business of

- said company for one year, and from thence until the next annual election, and in case of the death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may alter or renew at pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as shall be necessary for the well ordering of the affairs of the company; *Provided*, That the number of votes each stockholder shall be entitled to, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, two votes; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid one dollar on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed: *And provided further*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election.
- Proviso.
- Ratio of votes.
- 2d. Proviso.
- 3d. Proviso.

SECTION 4. The stockholders shall meet on the first Monday in January in each succeeding year, at such place as shall be fixed on by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid, for the year ensuing the term of service of those first chosen.

SECTION 5. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes

Annual election.

Quorum.

of all their proceedings fairly entered in a book to be kept ^{Minu es.} for that purpose, and shall have full power and authority to ^{Power.} agree with and appoint such engineers, superintendents, artists and other persons, as they may think necessary to erect the said bridge, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares, in order to carry on their work, to draw orders on the treasury for all debts that may be contracted by them, which orders shall be signed by the president and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of said company may be entrusted to them.

SECTION 6. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers, printed in the county of Wayne, of the time and place of payment of any instalment of the said capital stock, shall neglect to pay such instalment at the place appointed, ^{Penalty for neglecting to pay instalments.} for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid.

SECTION 7. It shall and may be lawful for the said president and managers, by and with their superintendents, engineers, and persons with whom they may contract for the erection of the whole or any part of said bridge, their artists, workmen and laborers, with tools and instruments, ^{President & managers} carts, wagons, boats and other carriages, and beasts of draught and burden, to enter in and upon the lands and may enter ^{upon lands.} shores of the river contiguous thereto, and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage thereto as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth, or other material, necessary or suitable for the building of said bridge, and keeping the same in repair: ^{Provido.} *Provided*, That in case of disagreement with the owners about the value of said materials, any justice of the peace of Pike county, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same, whose

decision, or a majority of them, shall be final and conclusive; and binding upon the parties, upon tender of the amount so awarded.

Tolls. SECTION 8. When the said bridge is completed as aforesaid, the property of said bridge and its appendages shall be vested in the said company as aforesaid, and their successors forever; and it shall and may be lawful for said company and their successors, to erect a gate or gates, and such other buildings as they may deem necessary, for the residence of a toll collector, and to demand and receive toll from travelers and others at said bridge, agreeably to the following rates, to wit: for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents; for every carriage having two wheels, for each horse drawing the same seven and a half cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents; for every dearborn wagon drawn by one horse twelve and a half cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents; for every sleigh or sled, for each horse drawing the same ten 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 as a horse; for every score of sheep or swine twenty cents; for every head of cattle three cents; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twenty-five head on the said bridge at the same time; and for every person on foot three cents: *Provided*, That any persons attending funerals, any military company, or detachment of this state, or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training, authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, That if any person or persons shall willfully ride, drive or lead any horse or other animal faster than a walk when crossing said bridge, he, she or they so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recovered for the use of the company, as fines of like amount are by law recoverable.

Proviso.

2d. Proviso.

SECTION 9. If any gate keeper for said company shall demand and collect any greater rates or prices for passing

over said bridge, than what is hereinbefore authorized, he, she, or they so offending, shall for every such offence forfeit and pay the sum of ten dollars, to be recovered for the use and collect- of the party aggrieved, as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

SECTION 10. The said president, managers and company, shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges, and if it shall then appear from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum on the whole of the capital stock so expended, then, and in that case, it shall be lawful for said president, managers and company, to increase the tolls herein allowed, so much as will raise the dividend to ten per centum per annum, and at the end of every two years thereafter, they shall render to the general assembly a like abstract of their accounts for the preceding two years, and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum.

SECTION 11. If said company shall not proceed to carry on the work in three years after the passage of this act, or shall not, within five years thereafter, complete the same, in either of these cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert to this commonwealth.

SECTION 12. If at any time hereafter, the counties of Wayne or Pike, the state of Pennsylvania, or any incorporated town in the state, shall think proper to purchase the said bridge, for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas in either of the above mentioned counties, may adjudge the same to be worth, and estimating the clear amount of tolls at six per cent. per annum on the original cost of said bridge.

SECTION 13. It shall be lawful for the Bethany and Dingman's Choice Turnpike road company to change the location of said road, between the town of Bethany and Dingman's

Dividends.

Annual abstract of accounts.

Tolls to be increased or diminished according to the profits.

Time of commencing and completing the work.

Mode of purchasing and making the bridge free.

Bethany and Dingman's Choice turnpike Co.

ferry, in such manner as will best accommodate the public.

Clarksville and Honesdale turnpike. Parts of act of Feb. 1st, 1834, revived.

SECTION 14. That an act entitled An act to enable the Governor to incorporate a company to make a turnpike road from Bethany, to intersect the Clarksville and Honesdale Turnpike road, near Benjamin Jenkins, in Canaan township, approved the first day of February, one thousand eight hundred and thirty-four, except so much of the same as may be inconsistent with the provisions of this act, be, and the same is hereby revived and declared to be and remain in full force and virtue, and to be to all intents and purposes as good and valid as if the same were at large re-enacted, and all proceedings heretofore had in pursuance of the said act, are hereby declared to be as valid and binding as they would have been had the work on said road been commenced within the time limited therefor.

10 years allowed to complete road.

SECTION 15. That the said company be, and they are hereby allowed ten years from and after the passage of this act, to make and complete the said road.

Time of commencing Pike co. and Port Jarvis Bridge Co. extended.

SECTION 16. That the time fixed by the act passed the first day of April, Anno Domini, one thousand eight hundred and thirty-six, incorporating the Pike county Port Jarvis Bridge company, to commence said bridge, is hereby extended to three years from the passage of this act, and the time for the completion of said bridge extended four years from the passage of this act.

SECTION 17. It shall not be lawful for the president and managers of said company, in their corporate capacity, to issue bills of credit or notes, in the shape of bank notes, or to have any of the usual banking privileges.

LEWIS DEWART,

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

Speaker of the Senate.

APPROVED—the twentieth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 18.

An Act

For the relief of Samuel Bittle, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of*