

and pensions to be paid in conformity with the existing laws.

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

APPROVED—The twenty-first day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 19.

An Act

To authorize the Governor to incorporate a company to erect a bridge over the Conemaugh river, at or near Centreville, in the county of Indiana, 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 Paul Clark, John Caldwell, Robert Peoples, William Graham, John Moorhead, John Cavode, William Smith, S. P. Cummins, Noah Mendell, Johnson Miller, John M'Farland, James M'Kelvey, George Clark, John Ogden, Francis Little, Cheuncy Rice, Robert Brown, (river.) Andrew Graham, Charles Ramsey, Andrew Graham, jr., William Matthews, James Horrell, William Huston, James Trimble, Jacob D. Mathiot, James Kenann, Abraham Horback, Hugh Y. Brady, A. G. Merchand, H. D. Forster, John Clark, and Alexander Johnston, of Westmoreland county, and John Brandon, William Ligate, Robert Given, John Huey, James Eliot, Esq., Thomas Stewart, Richard B. M'Cabe, James Clarke, Samuel M'Anulty, Stewart Steel, Daniel Stanard, Jonathan Ayres, Robert Nixon, Samuel Wallace, George Hill, Samuel Meanor, William Rankin, and William Hice, of Indiana county, 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 hereunto subscribed do promise to pay to the President Managers and Company for erecting a bridge over the Conemaugh river; at

or near Centreville, in the county of Indiana and Westmoreland, the sum of ten 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 Cone-naugh river, at Centreville, in the county of Indiana."

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 Westmoreland and Indiana, for at least one month, of the time and place where the said books shall be opened, 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 therein twelve hundred shares, and the said commissioners may adjourn from time to time until the whole number of shares aforesaid shall be subscribed: *Provided always*, That every person on entering his name in the said books as a subscriber, shall pay two dollars per share on each share he shall subscribe, 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.

No. of shares

Proviso.

Letters patent.

Name, style, and title.

SECTION 2. When twenty or more persons shall have subscribed six hundred shares, the said commissioners, or a majority of them, shall certify under their hands and seal 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 Westmoreland and Indiana 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 the 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 five first named persons in the letters Organizat'n. patent shall, as soon as conveniently may be after the sealing of the same, give notice in two or more newspapers, printed in the county of Westmoreland and Indiana, 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, Vacancies. 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 Seal. 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 Proviso. be entitled to, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: Ratio of for each share not exceeding two shares one vote; 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 : 2d Proviso. *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.
- 3d Proviso.** **SECTION 4.** The stockholders shall meet on the first Monday of May, 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 ensuing year, and the determination of any question affecting the interests of said company.
- Annual election.** **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 certificate 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 transfers 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.
- Certificate**
- Transferable.** **SECTION 6.** The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, and shall have full power and authority to 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 treasurer for all debts that may be contracted by them, which orders shall be signed by the president and attested by the 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.
- Quorum.**
- Minutes.**
- Powers.** **SECTION 7.** If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers

printed in the county of Westmoreland and Indiana, Penalty for of the time and place of payment of any instalment of the neglecting said capital stock, shall neglect to pay such instalment at the to pay instal- place appointed, for the space of sixty days after the time ments. 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 pay- ment, and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said presi- dent 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 8. It shall and may be lawful for the said presi- Authority to dent and managers, by and with their superintendents, enter upon engineers, and persons with whom they may contract for the lands and erection of the whole or any part of said bridge, their artists, shores of the workmen and laborers, with tools and instruments, carts, river for ma- wagons, boats, and other carriages and beasts of draught and terials. burden, to enter in and upon the lands and 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: *Provided*, That in case of disagreement with *Provido*. the owners about the value of said materials, any justice of the peace of Westmoreland and Indiana counties, not inter- ested 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.

SECTION 9. When the said bridge is completed as afore- Rate of tolls said, 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 travellers 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, ten 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 horses or cattle to lead or drive more than twelve head on the said bridge at the same time: *Provided*, That any person 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 schools 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 wilfully 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.
- Penalty for demanding unlawful toll** SECTION 10. If any gate keeper of 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 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.
- Dividends.** SECTION 11. 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
- Proviso.**
- 2d Proviso.**

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 to limit the clear profit to ten per centum per annum.

SECTION 12. If at any time hereafter the counties of Westmoreland and Indiana, or either of them, 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, estimating the tolls at six per cent. per annum on the cost of construction.

SECTION 13. 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, according to the true intent and meaning thereof, then and in either of these cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert to this commonwealth.

SECTION 14. That Prime street, from Broad street to Gray's Ferry road, in the county of Philadelphia, be and the same is hereby laid out of the width and in the same direction that it now is opened from Eleventh street to Broad street; and it shall be the duty of the commissioners of the said county, forthwith to open or cause to be opened, the street aforesaid, the damages accruing therefrom to be assessed and paid in the usual manner, except that one-third of the expense arising from the increased width of said Prime street, shall be paid by the Philadelphia, Wilmington and Baltimore Railroad company, and the said company are hereby authorized to lay a double track of rails on the centre of the said street, immediately after the passage of this act, and on no other street running parallel therewith; and the company aforesaid, are hereby required to grade the said Prime street, from Broad street to Gray's Ferry road, for ordinary traveling and use.

SECTION 15. That an act passed on the twenty-sixth day of March, eighteen hundred and fourteen, entitled 'An act to incorporate the York Haven company,' is hereby revived, to incorporate the York Haven company, is hereby revived.

The bridge may be purchased for the purpose of making it free.

Time of commencing & completing work

Princetown to be laid out from Broad st. to Gray's Ferry, Phil. Co.

Phila., Wilmington and Baltimore R. R. Co. to pay part of expense, &c.

Act incorporating York Haven Co.

and all the rights and privileges of the same are hereby vested in William Gwynn, Sheppard C. Leakin, George Winchester, and Maria Winchester, John Glenn, Robert Barry, Kensey Johns, William H. Freeman, and Thomas C. Hambly, their associates and assigns, according to their respective interest therein, who shall be and are hereby empowered, out of their number to choose a president and five directors, to conduct the business of said company, who shall hold their offices for the space of one year from the day of their election, at which time a new election shall take place, when all persons holding any certificates of stock, (which the parties named in this act are hereby authorized to issue,) shall be entitled to one vote for each share of stock; at and after which day, the said company shall be governed by the provisions of the act which is hereby revived, in the same manner as if it had never expired.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.

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No. 20.

A Supplement

To the act entitled "An act authorizing the Governor to incorporate the Lizard Creek, Lehigh and Loyalhanna Bridge companies, and for other purposes," and for extending the time for commencing and completing the Susquehanna and Delaware Canal and Railroad.

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 so much of the act to which this is a supplement as authorizes the Governor to incorporate a company for erecting a bridge over the river Lehigh, above Lizard creek, be and the same is hereby revived and re-enacted, and the said company is hereby allowed the further period of three years from the passing of this act, for commencing and completing the said bridge, any thing in the said act contained to the contrary notwithstanding.

Time for
erecting
bridge over
Lehigh ex-
tended.