

annual meeting, shall take place on the third Wednesday in January in each and every succeeding year, and so much of that clause in the constitution and fundamental laws as requires the same to be held in May, from and after the next annual meeting, be and the same is hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES Z. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

No. 50.

### An Act

For the incorporation of several Bridge companies, 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 John Norris, James Milliken, David Cummings, James Parker, Findley Ellis, Abraham S. Wilson, James Dickson, Samuel Comfort, William Reed, William Mayes, Samuel Alexander and Henry Hall, 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 July 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 Juniata river, at the borough of Lewistown in the county of Mifflin, 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 for the incorporation of several Bridge companies;" Witness our hands the            day of            one thousand eight hundred and            ; and shall thereupon give notice in one or more newspapers printed in said county, for at least one month, of the time and place where the said

Lewistown & Tuscarora Bridge Co. Commiss'rs. To procure books. Form of subscription.

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 thereon 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 two 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, and their ability to pay, 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 Lewistown and Tuscarora Bridge company, and by 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 and 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 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 Mifflin, of a time and place to be by them 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 to 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 copartnership, 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 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.
- Seal.**
- Proviso.**
- Ratio of votes.**
- 2d. Proviso.**
- 3d. Proviso.**

**Annual election.** SECTION 4. The stockholders shall meet on the first Monday of 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 elected.

**Quorum.**  
**Minutes.**  
**Powers.** SECTION 5. 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 deb'ts 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 Mifflin, 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, 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.

Penalty for neglecting to pay instalments.

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, carts, wagons, boats and other carriages and beasts of draught and 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 the owners about the value of said materials, any justice of the peace of Mifflin 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 the tender of the amount so awarded.

Authority to enter upon lands.

Damages.

Proviso.

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, their successors and assigns for ever, and it shall and may be lawful for said

Tolls.

company, their successors and assigns, to erect a gate or gates and such other buildings as they may deem necessary for a 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 person traveling on foot three 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 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 school or other seminary of learning, shall at all times be exempt from the payment of any toll:

*2d Proviso.* *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 collecting illegal toll.* 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 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 *Dividends.* 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.** That if said company shall not proceed to Time for carry on the work in three years after the passage of this commencing act, or shall not within five years thereafter complete the and comple- same according to the true intent and meaning hereof, then, ting the and in either of these cases, all and singular the rights, li- work. berties and franchises hereby granted to said company shall revert to this commonwealth.

**SECTION 12.** Robert Elliott, Samuel Black, Jacob Beaver, Millerstown Thomas Cochran, John Fertig, Frederick Rinehart, David Bridge Co. Kepner, John Rice, and Jonas Ickes, 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 to procure subscriptions of stock, and shall write therein as follows: books. We whose names are hereunto subscribed do promise to pay to the president, managers and company for erecting a bridge over the Juniata river, opposite Sunbury street, in Millers- town, in the county of Perry, 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 for the incorporation of several Bridge companies;" Witness our hands the day of one thousand eight hundred and ; and shall thereupon give notice in one or more newspapers printed in the counties of Juniata and Perry, for at least one month, of the time and place where- Form of sub- scription.

	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 six hundred shares, and the said commissioners may adjourn from time to time until the whole number of shares aforesaid shall be subscribed.
Number of shares.	
Letters patent.	SECTION 13. When twenty or more persons shall have subscribed three hundred 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 Millerstown Bridge company, and by said name the said subscribers shall have perpetual succession, and the
Name, style and title.	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.
Privileges.	
Organizati'n	SECTION 14. That the five first named persons in the letters patent shall, and soon as conveniently may be after the sealing of the same, give notice in two or more newspapers printed in the counties of Perry and Juniata, 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
Vacancies.	vacancy until the next annual election of said company;

they may make and have one common seal and the same may Seal.  
 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 the 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 shall 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. 2d Proviso. 3d Proviso.

SECTION 15. The stockholders shall meet on the first Monday of 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 elected. Annual election.

SECTION 16. 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 Quorum. Minutes. Powers.

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 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.

Penalty for neglecting to pay instalments.

SECTION 17. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Perry, 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, 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.

Authority to enter upon lands.

SECTION 18. It shall and may be lawful for the said president and managers, by and with their superintendent, 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, carts, wagons, boats and other carriages and beasts of draught and 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 the owner about the value of said materials, any justice of the peace of Perry 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.

Damages.

Proviso.

SECTION 19. When the said bridge is completed as afore-

said, the property of said bridge and its appendages shall be vested in the said company as aforesaid, their successors and assigns for ever, and it shall and may be lawful for said company, their successors and assigns, to erect a gate or gates and such other buildings as they may deem necessary for a 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 person traveling on foot three 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 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 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 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.

SECTION 20. 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 of the party aggrieved as fines of the same amount are by law

Tolls.

Proviso.

2d Proviso.

Penalty for collecting illegal tolls.

Proviso.

recoverable : *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Dividend.

SECTION 21. 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 year 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.

Time for commencing & completing said road.

SECTION 22. That 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 hereof, 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.

Huntingdon Bridge, time for erecting it extended.

SECTION 23. The time for finishing and completing the bridge authorized by the act entitled An act to authorize the Governor to incorporate a company to erect a Bridge over the Juniata, at the borough of Huntingdon, passed the thirteenth day of March, Anno Domini one thousand eight hundred and sixteen, be, and the same is hereby extended to the first day of November, in the year one thousand eight hundred and forty-five, and no longer; and that each and every section of the said recited act is hereby re-enacted and declared to be in as full force, to all intents and purposes, as if the same had been herein inserted, and that George Jackson, John Henderson, Andrew P. Wilson and Daniel Africa, are hereby appointed commissioners in the room of Richard Smith, John A. Henderson, John H. Lambert and William Wemiss Smith who have since died.

SECTION 24. Thomas O'Bryan, James Black, Abram

B. Demaree, John Leas, Jonas Ickes, Jacob Leas, Jacob Rider's Ferry  
 Loy, Samuel Sipe, Robert Mitchell, John K. Smith, John Bridge Co.  
 W. Basserman, William Wallace, James Jackman, Charles  
 Wright, George Kepner and Abraham Rider, 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 there-  
 in as follows : We whose names are hereunto subscribed do  
 promise to pay to the president, managers and company for  
 erecting a bridge over the Juniata river, at Rider's Ferry, in  
 the county of Perry, 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 for the incorporation  
 of several Bridge companies;" Witness our hands the  
 day of            one thousand eight hundred and            ; and  
 shall thereupon give notice in one or more newspapers print-  
 ed in said county, for at least one month, of the time and  
 place where the said books shall be opened to receive sub-  
 scriptions 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 six hundred shares, and  
 the said commissioners may adjourn, from time to time, until  
 the whole number of shares aforesaid shall be subscribed.

SECTION 25. When twenty or more persons shall have  
 subscribed three hundred 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 num-  
 ber of shares subscribed by each, whereupon it shall be law-  
 ful 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 Rider's Ferry Bridge company, and by 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

Commiss'rs  
to procure  
books.

Form of  
subscription.

Number of  
shares.

Letters pa-  
tent.

Name, style  
and title.  
Privileges.

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.

Organiza-  
tion.

SECTION 26. That the five first named persons in the letters 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 Perry, of a time and place to be by them 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 to 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 the trust for and to the use and benefit of any other person: *Provided*,

Vacancies.

Seal.

Proviso.

Ratio of  
votes.

2d Proviso.

That no person shall be permitted to vote at the first election of 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 shores 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 27. The stockholders shall meet on the first Monday of 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. Annual election.

SECTION 28. 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 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. Quorum.  
Minutes.  
Powers.

SECTION 29. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Perry, 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, 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. Penalty for neglecting to pay instalments.

SECTION 30. It shall and may be lawful for the said president and managers, by and with their superintendent, engineers and persons with whom they may contract for the erection of the whole or any part of said bridge, their artists, Authority to enter upon lands,

Damages.

Proviso.

workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages and beasts of draught and 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 there-to 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 the owner about the value of said materials, any justice of the peace of Perry 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 51. 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 for ever, 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 a 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 person traveling on foot three 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 twelve head on the said bridge at the same time: *Provided*, That any person attending funerals, any military company or detachment of

Proviso.

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 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. 2d. Proviso.

SECTION 32. 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 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. Penalty for collecting illegal tolls.  
Proviso.

SECTION 33. 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. Dividends.

SECTION 34. That 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 hereof, 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. Time for commencing & completing the work.

SECTION 35. John D. Creigh, James Jackman, William Wallace, Richard English, Alexander M'Allister, Alexander M'Gee, George Stroop, Benjamin M'Intire, John M'Kuhan, George Barnitz, John H. Case, Daniel Bogar, William Montgomery, Samuel Thompson, Patrick M'Morris, Thomas Duncan, John Patterson, William Howe, James Black, Kirk Haires, John Kibler, John T. Robeson, John Koch, David Lupfer, Jonas Ickess, Henry Fetter, Jacob Evinger, John Zimmerman, James Adams, William B. Anderson, James Ewing, Lewis Mickey, and James Lowden, 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 here-

unto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the Juniata river, at Caroline Furnace, in the county of Perry, 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 for the incorporation of several Bridge-companies;" Witness our hands the                    day of                    one thousand eight hundred and                    ; and shall thereupon give notice in one or more newspapers printed in said county, 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*, That the commissioners of the county of Perry, or a majority of them, may subscribe for any number of shares to the stock of said bridge company they may deem expedient: *Provided also*, That the county shall at any time hereafter have the right of buying out the company, by reimbursing to the stockholders such money as they may have expended in the erection and completion of said bridge, together with the interest thereon, at a rate of six per cent. per annum from time of payment.

SECTION 36. When twenty or more persons shall have subscribed three hundred shares, the said commissioners, or

Caroline  
Furnace  
Bridge Co.

Commiss'rs.  
to procure  
books.

Form of sub-  
scription.

Number of  
shares.

1st. Proviso

2d. Proviso.

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 Caroline Furnace Bridge company, and by 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 37. That the five first named persons in the letters patent, shall as soon as conveniently may be after the sealing the same, give notice in two or more newspapers printed in the county of Perry, of a time and place to be by them 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 to 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

Letters patent.

Names style &amp; title.

Privileges.

Organizat'n.

Vacancies. Seal.

Proviso.

Ratio of votes.

- 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 the 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.
- 2d. *Proviso.*
- 3d. *Proviso.*

**SECTION 38.** The stockholders shall meet on the first Monday of 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 39.** 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 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 40.** If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Perry, of the time and place of payment of any instalment of the said capital stock,

Penalty for neglecting to pay instalments.

shall neglect to pay such instalment at the place appointed, 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 41. 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, carts, wagons, boats and other carriages, and beasts of draught and 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 the owner about the value of said materials, any justice of the peace of Perry 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. Authority to enter upon the lands. Damages. Proviso.

SECTION 42. 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 for ever, 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 Tolls.

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 person traveling on foot three 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 twelve head on the said bridge at the same time: *Provided*, That any person attending funerals,

*Proviso.* 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 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.

*2d. Proviso.*

Penalty for collecting illegal toll.

SECTION 43. 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 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 44. 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 legislature 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 45. That if said company shall not proceed to Time for carry on the work in three years after the passage of this commencing act, or shall not within five years thereafter complete the and comple- same, according to the true intent and meaning hereof, then, ting the and in either of these cases, all and singular the rights, li- work. berties and franchises hereby granted to said company shall revert to this commonwealth.

SECTION 46. William A. Pennyman, Hugh Fergus, Sa-Elizabeth muel Walker, D. McCurdy, Caleb Edmondson, John Col-Bridge hoon, Henry Westby and Samuel Frew, of Elizabeth company. township, Allegheny county, and E. Percival, J. King, of Jefferson township, and O. Ormsby Gregg, James Patterson, jr., Henry Long, and Rinehart Bausman, of the borough of Birmingham, in said county, be, and they are hereby ap- pointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall on or be- fore 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 Elizabeth Bridge company, for erecting a bridge over the Mononga- hela river, from the borough of Elizabeth, in Elizabeth Form of sub- township, in the county of Allegheny, the sum of fifty dol- lars for each and every share of stock in the said company set opposite to our respective names, in such manner and pro- portion, and at such times as shall be determined on by the president and managers, in pursuance of an act of the gen- eral assembly, entitled An act for the incorporation of several Bridge companies; Witness our hands the 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 commis- sion- ers shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or

Commiss'rs.  
to provide  
books.

Form of sub-  
scription.

Number of shares. until twelve hundred shares shall be subscribed ; and if twelve hundred 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 :

Proviso. *Provided always*, That every person on entering his name in the books as a subscriber, shall pay five dollars 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 for.

Letters patent. SECTION 47. As soon as eight hundred shares shall have been subscribed, the said commissioners, or a majority of them, 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 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 Elizabeth Bridge company, for erecting a bridge over the Monongahela river, from the borough of Elizabeth, Elizabeth township, across to the southern side of the Monongahela river, in the county of Allegheny, 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 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

Privileges.

Organizat'n SECTION 48. The six persons first named in the letters patent 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, 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 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.

2d. Proviso.

SECTION 49. A public meeting of the said stockholders shall be held on the first Monday of July next following the first election, had 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.

Annual election.

SECTION 50. 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 payment 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.

Certificates of stock.

Of transfer.

SECTION 51. The president and managers shall meet at such times and places, and be convened in such manner as

Meetings.

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 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.

**Penalty for neglecting to pay instalments.** SECTION 52. 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 remain unpaid so long that the accumulated penalties shall become equal to the sums 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 book by the clerk at such meeting.

**Authority to purchase lands necessary for the bridge.** SECTION 53. 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 purpose 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 appraisalment 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 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 cost 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.

Appraisalment  
of lands in  
case of dis-  
agreement by  
the parties.

SECTION 54. The president and managers of said company, shall keep fair and just accounts of all monies 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 monies 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,

Just acc'ts  
to be kept.

Number of  
shares may  
be increas-  
ed.

and to demand and receive the monies subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription.

Tolls.

SECTION 55. When the Elizabeth 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 a 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 chair or other two wheeled carriage of pleasure, and 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 the military of this state or of the United States, foot passengers attending divine service 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 hereinbefore 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 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: *And provided further*, That the said president, managers and company of the Elizabeth Bridge, shall cause the said bridge to be erected of sufficient height, so as not to interrupt the navigation of said river.

SECTION 56. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or price for the passing over the said bridge than what is hereinbefore 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 whereof to be paid to the overseers of the poor of the township of Elizabeth, Allegheny county, for the use of the poor of said township, 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 reversion, either by appeal to the court of Common Pleas of said county, if the merits of the case be

Proviso.

2d Proviso.

3d Proviso.

4th Proviso.

Penalty for

demanding

Proviso.

2d Proviso.

contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

**Dividends.** SECTION 57. The said president, managers and company, shall keep a just account of all monies 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, or for 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.

**Penalty for injuring the bridge &c.** SECTION 58. 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 or she 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.

**Banking prohibited** SECTION 59. 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.

SECTION 60. If the president, managers and company for Time for erecting the said bridge aforesaid over the Monongahela river commencing shall not proceed to carry on the said work within the space & comple- of five years from the passage of this act, and shall not ting the within the space of eight years from the passing thereof comple- work &c. tate 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.

SECTION 61. That George Stroop, Robert Clark, Amos Juniata A. Jones, Thomas Duncan, Jacob Keiser, William Clark, bridge Co., Alexander Branyan, Henry Hackett, James Black, Robert near its Mitchell, John Wagner, Jacob Wively, Benjamin McEntire, mouth. David Grove, George Barret and Frederick Rhinehart of Perry county, be, and the same are hereby appointed commis- sioners to do and perform the several duties hereinafter mentioned, that is to say; they shall on or before the first Monday of August next, procure a book or books and enter Commiss'rs to procure books. therein as follows : We whose names are hereunto subscri- bed do promise to pay unto the president, managers and company, authorized to erect a bridge over the river Juniata, at or near its mouth, for the use of the said company, the sum of twenty dollars for each share of stock set opposite to our respective names, in such manner and proportions and Form of sub- scription. at such times and places as shall be determined by the presi- dent and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act for the incorporation of several Bridge companies;" Witness our hands this            day of            one thousand eight hun- dred and            ; and shall thereupon give notice, in one or more newspapers printed in each of the counties of Perry and Dauphin, for one calendar month at least, of the times and places when and where such book or books shall be opened, to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his Who may own name or in the name or names of any other person or subscribe. persons by whom he shall be authorized, for any number of shares in the said stock, until one hundred and twenty shares Number of shares. shall be subscribed, when the books shall be closed ; but if shares. the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall

**Proviso.** amount to one hundred and twenty shares, as aforesaid, the books shall be closed : *Provided*, That the commissioners of the county of Perry, or a majority of them, may subscribe for any number of shares they may deem expedient : *And*

**2d Proviso.** *provided also*, That the county shall at any time hereafter have the right of buying out the company, by re-imbursing to the stockholders such money, as, together with the interest, they may have expended in the erection and completion of the said bridge.

**Letters patent.** SECTION 62. When one hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The President Managers and Company of the Juniata Bridge, at or near its mouth," and by the said name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of 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 and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them their successors and assigns, and of selling, transferring and conveying in fee simple or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a body politic or corporate may lawfully do.

**Name, style and title.**

**Privileges.**

**Organization.** SECTION 63. The three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in one or more of the public newspapers in the county of Perry, of the time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as is hereinafter

directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

SECTION 64. A public meeting of the stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that every person shall be entitled to one vote under ten.

SECTION 65. The president and managers shall procure certificates 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 stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part for 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 growing due thereon, and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

SECTION 66. The said president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and at any such meeting, a quorum being present, they shall have power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion, make contracts for the erection or construction of the same, or any part thereof, they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts, which orders

shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also to do and transact all matters and things as by this act or the by-laws of the company shall be committed to them.

**Penalty for neglecting to pay instalments.** SECTION 67. If any stockholder, after thirty days notice given in any two newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

**Forfeiture.**

**Number of shares may be extended.** SECTION 68. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

**Tolls.**

SECTION 69. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and their assigns forever; and the said company and assigns are hereby empowered to erect gates and demand and receive toll, not exceeding the following rates, to wit: for every score of sheep five cents; for every score of hogs eight cents; for every score of cattle fifteen cents, and so for a greater or less number; for every horse or mule two cents; for every horse and rider five cents; for every foot passenger one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the aforesaid carriages, with four horses, twenty cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon, with two horses, ten cents; for every such wagon, drawn by four horses, twenty cents; for every

sleigh, five cents for every horse drawing the same; for every sled, five cents for each horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll, to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same; *And provided also*, That no toll shall be demanded from any member of the national or state legislature, or any person attending funerals, churches or schools, or going to or returning from any militia training. 2d. Proviso.

SECTION 70. If the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, they so offending, shall, for every such offence, forfeit and pay the sum of five dollars and fifty cents, to be recoverable as debts of the same amount are recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECTION 71. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, or otherwise, and shall make and declare a dividend of the profits and incomes, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding said bridge, in case of decay or injury, and the same to invest on such security or in such stock as they

shall deem safe and productive, and the interests arising from the same again to invest, and the same stock to sell and transfer, at any time when the funds may be required for the purpose aforesaid.

**SECTION 72.** It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of said county, that he or they will faithfully conduct him or themselves, in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty, by watching with vigilance over the interest of the company and safety of the bridge, and generally to execute, with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said bridge.

**SECTION 73.** If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places for the information of passengers and others, or who shall wilfully or 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 each and every such offence, to said corporation, the sum of ten dollars, to be recovered before any justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern or in some vessel secured so that the possibility of setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any pistol, gun or other fire arms on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars and fifty cents for every such offence, to be recovered as aforesaid, but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after such offence shall have been committed, and he or they so offending shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein

Toll collectors and watchman.

Penalty for injuring the bridge.

mentioned be not sufficient to repair and satisfy said damages.

SECTION 74. If the said company shall not proceed to carry on the said work within five years after they shall have been incorporated, or shall not within the space of seven years thereafter complete the said bridge, it shall be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

SECTION 75. If any county or incorporated town shall offer to purchase any of the bridges erected by authority of this act, (except the Elizabeth bridge,) it a free bridge, the managers and stockholders shall be obliged to sell the same, for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas of the county where the bridge is situated, shall adjudge the said bridge to be worth, estimating the tolls at six per cent. per annum on the cost of construction.

SECTION 76. That James A. Pennypacker, Samuel P. Pennypacker, Joseph S. Pennypacker, Henry Loucks, Esqr., William Worrall, David Beard Esqr. of Montgomery, James Wood of Philadelphia, John Rinewalt, Isaac Rapp, Thomas Rapp, Mathias Pennypacker, Joseph Pennypacker senr., Elijah F. Pennypacker, Sampson Fudge, Peter Supplee Esqr., Isaac Price, Samuel Sower, Charles Adamson, Dr. Jacob Pennypacker, John Morris, Samuel Davis, Charles Carson. John Lehman, Robert Tyson, Abraham Bower, Robert Shannon, James Smith, Jacob Heghley, Esqr., Joseph Gotwalts, Dr. Jones, David James Weathrell, Samuel Honing, Joseph Holloway, Jacob Foree, jr., Thomas Fulton, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first Monday of August next, procure a book or books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company, authorized to erect a bridge over the river Schuylkill, at Lumberville, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and in such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c. ; witness our hands this day of one thousand eight hundred and ;" and shall thereupon

Bridges may be purchased for the purpose of making them free.

Lumberville Bridge Co.

Commissioners

To procure books.

Form of subscription.

give notice, in two newspapers in the said county, for one calendar month at least, of the time and places when and where such book or books shall be opened, to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until six hundred shares shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to six hundred shares, as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his own name or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the taking of such subscription, 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 and the officers thereof chosen as is hereinafter directed.

SECTION 77. When one hundred shares of the said stock, shall have been subscribed, the said commissioners or a majority of them, shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the President, Managers and Company of the Lumberville Bridge, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to corporations, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act,

Who may subscribe.

Number of shares.

Proviso.

Letters patent.

Name style and title.

Privileges.

and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estates, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every other matter and thing which a body politic or corporate may lawfully do.

SECTION 78. The three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice, in two or more of the public newspapers in the county of Montgomery, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall, by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen, as is hereinafter directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company; and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.. . . Organization

SECTION 79. A public meeting of the stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatsoever number of shares he may be entitled to, and that every person shall be entitled to one vote under four shares, and for four two votes, and then for every four shares one, to ten votes and no more. Annual elec- tion. Proviso.

SECTION 80. The president and managers shall procure certificates 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 stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part for 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 payment due or growing due thereon; and the Certificates of stock. Of transfer.

person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

**Meetings.** **Quorum.** **Minutes.** **Powers.** SECTION 81. The said president and managers shall meet at such time and place, and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions truly inserted in a book, and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same, or any part thereof, they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also do and transact all matters and things, as by this act or the by-laws of the said company, shall be committed to them.

**Penalty for neglecting to pay instalments.** SECTION 82. If any stockholder, after thirty days notice given in any two newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor; or the president and managers may sue for and recover the same, before any justice of the peace, or before any court of competent jurisdiction.

**Authority to extend the number of shares.** SECTION 83. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary,

to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

SECTION 84. When a safe passage may be had across the Tolls. said bridge, the property shall be vested in the said company, their successors and their assigns forever, and the said company and assigns are hereby empowered to erect gates, and demand and receive toll not exceeding the following rates, to wit : for every score of sheep, six cents ; for every score of hogs, ten cents ; for every score of cattle, twenty cents ; and so far a greater or less number ; for every horse or mule, three cents ; for every horse and rider, four cents ; for every foot passenger, one cent ; for every sulkey, chair or chaise, with one horse and two wheels, ten cents ; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifty cents ; for the aforesaid carriages, with four horses, twenty cents ; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same ; for every wagon with two horses, ten cents ; for every such wagon drawn by four horses, twenty cents ; for every sleigh, five cents for every horse drawing the same ; for every sled, five cents for each horse drawing the same ; for every wagon or cart, five cents for each horse drawing the same ; and two oxen shall be estimated equal to one horse : *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it ; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade of horses drawing the same : *And provided also*, No toll shall be demanded from any person attending funerals, churches or schools, or going to or returning from any militia training. Proviso.

SECTION 85. If the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice, given by a justice of the peace of the said county, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by Penalty for demanding illegal toll.

law recoverable, one moiety thereof to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Dividends.

SECTION 86. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided* That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding the said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

Proviso.

Toll collector and watchman.

SECTION 87. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman or men of said bridge, to take and subscribe on oath or affirmation, before a justice of the peace of said county, that he or they will faithfully conduct him or themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty by watching with vigilance over the interest of the company, and safety of the bridge, and generally to execute, with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said company.

Penalty for injuring the Bridge.

SECTION 88. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll affixed in any place or places, for the

information of passengers and others, or who shall wilfully or 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 each and every such offence, to said corporation, the sum of ten dollars, to be recovered before a justice of the peace and debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lanthorn or in some vessel secured, so that the possibility of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol, gun or other fire arms on or near said bridge, so that the said bridge might by possibility be set on fire or injured thereby, he or she so offending, shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after such offence shall have been committed, and he or they so offending shall remain liable to actions, at the suit of the 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 the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill Navigation company in their works. Proviso.

SECTION 89. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not, within the space of four years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also,* That the president and managers shall annually, in the month of January, publish in one or more newspapers, printed in the county of Berks, a full account of the cost of building and repairing said bridge, and the amount of toll received. Time for commencing and completing the work.

SECTION 90. Robert Davidson, John T. Cunningham, Gordon M. Nye, Alexander Wright, George Eckels, David Vaneman, Jacob Allen, George Hennon, Adam Morrow, Hugh Marshall, William Whan, John Imbue of Big Beaver tp., James Wilson, Solomon Bennet, J. H. Van Gorder, Joseph Morton, Alexander Scott, Alexander Aken, Jacob Allen, Daniel Cole, Fulton Reed, William Morton, North Sewickley tp., Thomas Cairns, Jesse Bell, Moses Matheny, J. M. Cunningham, William Cairns, David White, J. T. Dushane, Shenango tp., Hugh Megittigen, William Smith. Big Beaver Bridge Co. near the Irish Ripple Commiss'rs.

Samuel R. Dunlap, John M'Clymonds Darlington, Alexander Alcorn, William Woods, R. M'Clelland, John Clarke, John Nisbet, John Ferguson, James Davidson, Andrew Jenkins, and Alva Leonard, North Beaver tp., John Dickey, Samuel Power, and such others as shall be associated with them, of the county of Beaver, be, and they are hereby appointed commissioners to perform the several duties herein-after mentioned, that is to say; they shall, on or before the first day of December next, procure a book and enter therein as follows: We whose names are hereunto subscribed do promise to pay unto the president, managers and company for erecting a bridge over the Big Beaver river, at or near the Irish Ripple, the sum of twenty-five dollars for every share of stock set to our names, respectively, in such proportions and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly, authorizing the Governor to incorporate a company to erect a bridge over the Big Beaver river; witness our hands and seals the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and thirty-eight; and shall thereupon give notice in at least two of the newspapers published in the county of Beaver, for one calendar month at least, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and places at least two of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said book, until the number of six hundred shares shall have been subscribed, after which the books shall be closed: *Provided*, That every person offering to subscribe in said books, in his own or in the name of any other person, shall previously pay to the attending commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking said 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, and the officers, as hereinafter directed, shall be chosen.

SECTION 91. When twenty or more persons shall have subscribed three hundred or more shares in the said work, the commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers and the number of shares by them subscribed, to the Governor, and thereupon it shall be lawful for the Governor, by letters patent under his hand and seal of the state, to erect and create the subscribers into one body politic and corporate in deed and in law, by the name, style and title of the President and Managers and Company for erecting a Bridge across the

To procure books.

Form of subscription.

Who may subscribe.  
600 shares.  
Proviso.

Letters patent.

Name, style and title.

Big Beaver river, at or near the Irish Ripple, in Beaver county; and by the said name the subscribers shall have perpetual succession and all the privileges franchises and <sup>Privileges.</sup> 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 by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, real and personal, as shall be found necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of doing all and every other thing which a corporation or body politic may lawfully do.

SECTION 92. The persons named in the letters patent, as <sup>Organization</sup> soon as conveniently may be, shall give notice in the before mentioned newspapers of the time and place by them to be appointed, not less than thirty days from the date of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, nine managers and one treasurer, for the term of one year from the date of the aforesaid election, and yearly and every year thereafter the said subscribers shall proceed to ballot as aforesaid for nine managers and one treasurer; that the said managers, so elected and appointed, shall meet within thirty days from the date of such election and select one of their number as president for the current year: *Provided*, That <sup>Proviso.</sup> every stockholder shall be entitled to one vote for each and every share he, she or they may hold, if the number shall not exceed five, and one vote for every three shares above five and under twelve; for every ten shares over twenty: *Provided*, That no stockholder shall be entitled to more <sup>2d. Proviso.</sup> than twelve votes.

SECTION 93. The said president and managers may make <sup>Powers.</sup> such by-laws, rules, orders and regulations, not inconsistent with the laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the corporation, and generally to have all powers, authorities and privileges necessary for completing, maintaining and keeping in repair the said bridge: *Provided*, That if the said <sup>Proviso.</sup> company shall not proceed to carry on said bridge within five years after the passage of this act, and within five years thereafter complete the same, or if the said company shall proceed to issue any note or notes of the nature of bank

notes, or do any business of the nature of banking, it shall and may be lawful for the legislature to resume all and singular the liberties and privileges hereby granted to said company: *Provided further*, That the erection of said bridge shall not obstruct the navigation of the Pennsylvania canal.

2d. Proviso.

Tolls.

SECTION 34. The president, managers and company for erecting a bridge over the Big Beaver river, at the Irish Ripple, their successors and assigns, are hereby empowered to erect gates and demand and receive tolls not exceeding as follows, to wit: for every foot passenger two cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for every such carriage, having four wheels, 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 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 a rider, six cents; for every horse, mare or gelding, 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, two cents; for every head of

sheep or swine, one cent: *Provided*, That any person or persons attending funerals, any detachment of the military of this state or of the United States, foot passengers attending divine service, students or children attending schools or other seminaries of learning, shall at all times be exempt from paying toll: *Provided also*, That it shall be the duty of the president and managers of the company, and their successors, to have a written or printed list or lists of the above rates of toll placed upon some conspicuous part at each end of the said bridge, for the inspection of all persons desirous of seeing the same.

SECTION 95. That nothing contained in any or either of the several acts of incorporation contained in this act, shall be so taken or construed as to authorize any one of the said companies to use the funds of such institution for banking, or any other purposes whatever other than those for which the said corporations are hereby created.

SECTION 96. That Daniel Pound, Jason Andrews, Lansing Wetmore, be and they are hereby appointed commissioners to view, lay out, locate and mark a state road, from the Borough of Warren, through the Quaker settlement, in Warren county, to the New York state line.

SECTION 97. That it shall be the duty of the above named commissioners, or a majority of them, after taking an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out may pass, and to lay out and locate the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit.

SECTION 98. That it shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road by them laid out or reviewed as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized, if necessary, to employ two chain bearers, and one axe man, at a per diem allowance not exceeding one dollar.

SECTION 99. That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point

as they occur, the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the tenth day of May, eighteen hundred and thirty-nine, and one copy in the office of the clerk of the court of Quarter Sessions, of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

**Compensa'n.** **Accounts.** SECTION 100. That the compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners, for their own pay and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county, respectively.

**Time and place of the commissioners meeting.** SECTION 101. That the said commissioners shall meet at the place of beginning, on the road before mentioned to be by them laid out, on the first Monday of September next, or sooner, as may best suit their convenience, and complete the location of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions, of the county wherein such vacancy or vacancies shall happen is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

**Releases.** SECTION 102. That it may be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county.

**State road from Butler to Curlsville** SECTION 103. That Mathew Dugan and James Dunlap of Butler county, and Alexander M'Kean, of Armstrong county, be, and they are hereby appointed commissioners to view, lay out, locate and mark a state road from the borough of Butler, through Millerstown in Butler county, to Curlsville in Armstrong county.

**SECTION 104.** That it shall be the duty of the above *Commissioners*, named commissioners, or a majority of them, after taking to be sworn an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out may pass, and to lay out and locate the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line, shall at no point exceed five degrees, except only at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit.

**SECTION 105.** That it shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road by them laid out or reviewed as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized, if necessary, to employ two chain bearers and one axe man, at a per diem allowance not exceeding one dollar. *To locate the road, &c.*

**SECTION 106.** That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the crossing of county and township lines, roads, improvements and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the tenth day of May, eighteen hundred and thirty-nine, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth. *Route, &c.*

**SECTION 107.** That the compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay, and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof on warrants *Drafts of the road.* *Comper*

drawn in the usual way, and in proportion to the length of the road in such county, respectively.

**SECTION 108.** That the said commissioners shall meet at the place of beginning, on the road before mentioned to be by them laid out, on the first Monday of September next, or sooner as may best suit their convenience, and complete the location of the road as soon as practicable; and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen, is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

**SECTION 109.** That it may be the duty of the said commissioners to take from each and every person or persons, owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners' office of the proper county.

LEWIS DEWART,  
Speaker of the House of Representatives,  
CHARLES B. PENROSE,  
Speaker of the Senate.

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

JOS. RITNER.

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No. 51.

**An Act**

Making appropriation to rebuild the Valley Creek Bridge.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of fifteen thousand dollars is hereby appropriated to rebuild the Valley Creek Bridge, on the Philadelphia and Columbia Railroad, lately destroyed by fire.

LEWIS DEWART,  
Speaker of the House of Representatives,  
CHARLES B. PENROSE,  
Speaker of the Senate.

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

JOS. RITNER.