

No. 78.

An Act

For the relief of the West Chester Railroad company, and for other purposes.

Preamble.

WHEREAS, the West Chester Railroad company have constructed their road at an expense of over one hundred thousand dollars and while it yields a handsome revenue to the commonwealth, it pays little or nothing to the stockholders: *And whereas*, the superstructure of said road has begun to decay, and will soon require to be entirely replaced, without the said company having the means to keep it up: *And whereas*, the interest of the state requires that the said road should be kept up as a tributary to the public works; Therefore,

An acc't of tolls to be kept & paid to the Co. annually until they am't in the aggregate to \$25,000.

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 collectors on the Pennsylvania Railway, between Columbia and Philadelphia, be required to keep a separate account of all tolls received from transportation and passengers, and every other source brought on to said railway, from the West Chester Railroad, and that the said tolls at the expiration of each and every year, be paid over to the said West Chester Railroad company, to enable them to restore and keep up the superstructure of their said road, until in the aggregate they shall amount to the sum of twenty-five thousand dollars, that being about the estimated amount of the cost of such repairs, and no longer.

Canal Commission's. to keep up Railroad bridges in the city of Lancaster.

SECTION 2. That the Canal Commissioners are hereby authorized and required to repair or rebuild, and keep in good condition, such bridges as have been erected over the Columbia and Philadelphia Railroad, within the limits of the city of Lancaster, and which may continue to be necessary for the accommodation of travellers and persons through whose ground the said railway passes.

Saltsburg Bridge Co. number of shares may be increased.

SECTION 3. That so much of the first section of the act to which this is a supplement, as limits the number of shares to be subscribed to the stock of the Saltsburg Bridge, to one hundred and fifty, be and the same is hereby repealed, and the commissioners of said company are hereby authorized to receive subscriptions for three hundred shares as aforesaid.

SECTION 4. That the Canal Commissioners be and hereby Canal Commissioners are required to cause a bridge, of such structure and missioners on such place as they shall believe most beneficial, to be erected and constructed across the Shenango river, at the place where the road leading from Mercer to the line of the state of Ohio crosses the same, in the town of Shenango, in Mercer county, and that they pay the expenses thereof out of any money in the treasury not otherwise appropriated by law: *Provided*, That the same shall not exceed three thousand dollars. *Proviso.*

SECTION 5. That Job England, Benjamin Hartshorn, Joseph Bredin, William Irwin, James Ray, Christian Eberhart, Josiah W. Smith, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; they or any three of them shall, on or before the first day of November next, procure one or more books and therein enter as follows: "We whose names are hereunto subscribed do promise to pay to the president, and managers and company for erecting a bridge over the Susquehanna, at the village of Curvensville, in the county of Clearfield, the sum of ten dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers, in pursuance of act of the general assembly authorizing the Governor to incorporate a company to erect a toll bridge over the Susquehanna river at the village of Curvensville," and shall thereupon proceed to receive subscriptions for the stock of said company, at such times and places as they shall think proper. *Form of subscription.*

SECTION 6. When fifty or more shares of the said stock shall be subscribed, the said commissioners or any three of them, shall certify under their hands and seals, to the Governor of the Commonwealth, the names of the subscribers and the number of shares subscribed, 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 said subscribers, and also all those who may afterwards subscribe, into one body politic and corporate in deed and in law by the name, style and title of "The Curvensville Bridge company," and by the said name the said subscribers shall have perpetual succession, and all 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 and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of taking, purchasing *Letters patent.* *Name, style and title.* *Privileges.*

and holding, to them and their successors, in fee simple or for any less estate, all such lands, tenements, hereditaments, and estates real & personal, as shall be necessary and convenient to 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 or thing which a corporation or body politic may lawfully do.

Organiza-
tion.

SECTION 7. A majority of persons named in the letters patent, shall, so soon as conveniently may be after receiving the same, give notice in any one or two of the newspapers of the county of Clearfield, of the time and place by them appointed, not less than twenty days from the time of issuing 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 either in person or by proxy, duly authorized, one president, and six managers and one treasurer, and such other officers as they may think necessary, to conduct the business of said company for one year, and until other officers shall be chosen, and may make such by-laws rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided*, That each person shall be entitled to one vote for every share not exceeding ten, and two votes for every five shares above ten, and generally to have like powers, authority and privileges for erecting and completing the said bridge, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures and entitled to take the like tolls and profits, as are given and granted in the fourth and fifth sections of the act incorporating the Clearfield Bridge company, passed the seventeenth day of January, eighteen hundred and thirty-two.

Proviso.

To have like
powers and
penalties as
the Clearfield
Bridge Co.

Port Clinton
Bridge Co.

Commission-
ers to pro-
cure books.

Form of sub-
scription.

SECTION 8. That Abraham Kline, Abraham Morborger, John Kenschler, Christian Knaus, George Sayman, George Rick, John Hunmel, John Bond, George Moser, Isaac Meyers, Samuel De Pui, Gabriel Matz, and Daniel Shollenberger, be, and the same 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 a point as near above the forks of the two rivers, in the county of Schuylkill, as may be agreed upon by said company, 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 at 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 give notice in one newspaper printed in each of the counties of Schuylkill and Berks, 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 one hundred 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 one 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: *Provided,* That the commissioners of the counties of Schuylkill and Berks, or a majority of them, may subscribe for any number of shares they may deem expedient.

Who may
subscribe.Number of
shares.

Proviso.

2d Proviso.

SECTION 9. When seventy-five 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

Letters pat-
ent.

body politic and corporate, in deed and in law, by the name, style and title of the president, managers and company of the Port Clinton Bridge, near the forks of the river Schuylkill, 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, and of purchasing, taking and holding to them 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.

Organization SECTION 10. That any three persons named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in one public newspaper printed in each of the counties of Schuylkill and Berks, 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, elect 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.

Annual election. SECTION 11. 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 and no more.

Proviso.

SECTION 12. The president and manages 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 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.

Certificates of stock.

Transferable

SECTION 13. 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.

Meetings.

Quorum. Minutes.

Powers.

SECTION 14. If any stockholder, after thirty days notice given in any one newspaper printed in each of said counties, 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 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.

Penalty for neglecting to pay instalments.

Forfeiture.

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.

SECTION 15. 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 16. 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 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 of horses drawing the same: *And provided also*, No toll shall be demanded from any person attending funerals, churches or school, or going to or returning from any militia training.

SECTION 17. 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 law 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 18. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, 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. 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 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.

SECTION 19. 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 company.

SECTION 20. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said

Penalty for injuring the bridge. 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, as 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 lantern 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 21. 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 counties of Berks and Schuylkill, a full account of the costs of building and repairing said bridge, and the amount of toll received.

SECTION 22. If at any time hereafter the counties of Schuylkill & Berks, or either of them, the state of Pennsylvania, or any incorporated town in the state, shall think,

proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas in either of the above mentioned counties, may adjudge the same to be worth, estimating the tolls at six per cent. per annum on the cost of construction.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

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No. 79.

An Act

To encourage the destruction of Foxes and Wild Cats, in the counties of Lebanon, Luzerne, Wayne, Pike, Monroe, Susquehanna and Tioga.

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 from and after the passing of this act any person or persons who may kill any fox or foxes, wild cat or wild cats, within the bounds of the county of Lebanon, in this commonwealth, and who shall produce the scalp or scalps; having the ears thereon, before any justice of the peace in and for said county, as aforesaid, it shall be the duty of such justice to examine such person or persons, on oath or affirmation, touching the time when and the place where such fox or foxes, wild cat or wild cats, was or were taken and killed, and if the place or places of such taking and killing shall be found to be within the bounds of the aforesaid county, it shall be the duty of such justice to give the person or persons a certificate of the facts to the commissioners of said county, together with the scalp or scalps as aforesaid, and the said commissioners, upon the receipt thereof, shall immediately have such scalp or scalps destroyed; and thereupon draw their warrant on the county treasurer, if for