

[No. 77.]

A N A C T

To authorize the Governor to Incorporate a Company to erect a Bridge over the Lackawaxen, at or near Paupack Eddy, in the county of Wayne.

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 David Bishop, Joseph Atkinson, Jonathan Brink, Reuben R. Purdy, Otto Kimble, Moses Killam and Royal Taft, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned—that is to say: they shall on or before the first day of June next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: *We whose* Form of sub-
 names are hereunto subscribed, do promise to pay to the *scription* president, managers and company, for erecting a bridge over the Lackawaxen river, at or near Paupack Eddy, in the county of Wayne, the sum of twenty dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times as may be determined by the president and managers, in pursuance of an act of assembly entitled “An act to authorize the Governor to incorporate a company to erect a bridge over the Lackawaxen river, at or near Paupack Eddy, in the county of Wayne.” Witness our hands and _____ day of _____ one thousand eight hundred and _____. And shall there-
 upon give notice, in one or more newspapers printed in the *Notice* county of Wayne, at least one month, of the time and place where the books shall be open to receive subscriptions of stock to the aforesaid company; at which time and place, some one or more of said commissioners shall attend for that purpose; which books shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said books shall have subscribed therein three hundred shares. And the said commissioners may adjourn from time until the whole number of shares aforesaid shall be subscribed.

SECTION 2. When twenty or more persons shall have subscribed fifty shares, and paid one dollar on each and every share subscribed by them respectively, 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
 Letters patent 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
 Name the Paupack Eddy Bridge company; and by the said name
 the said subscribers shall have perpetual succession, and the
 privileges and franchises incident to a corporation, and shall be
 capable of taking and holding their said capital stock, and the
 Powers and increase and profits thereof, and enlarging the same from time
 privileges 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 col-
 lection 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 pat-
 ent, shall, as soon as conveniently may be, after the sealing of
 the same, give notice in one or more newspapers printed in
 Election of the county of Wayne, of a time and place by them to be ap-
 officers pointed, 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 ma-
 jority of votes of said subscribers by ballot, either in person or
 by proxy, duly authorized, one president, six managers and
 one treasurer, to conduct the business of said company for one
 year, and from thence until the next annual election; and in
 case of the death, removal, or resignation of any president or
 manager, the board of managers shall choose another to supply
 the vacancy, until the next annual election of said company;
 they may make and have one common seal, and the same may
 Seal alter or renew at pleasure, and may make such by-laws, rules,
 By-laws 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*,
 Proviso That the number of the votes each stockholder shall be enti-
 Votes tled 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 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.

SECTION 4. The stockholders shall meet on the second 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 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 the proportion 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 6. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Wayne, of the time and place of payment of any instalment of the said capital stock, shall neglect to pay such instalment at the place appointed, 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 of

Wayne county, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid.

Erection of
bridge—power
to enter on
lands

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 materials 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 Wayne 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.

Proviso

Damages

Property vested in company

SECTION 8. When the said bridge is completed as aforesaid, the property of said bridge and its appendages shall be vested in the said company as aforesaid and their successors forever; and it shall and may be lawful for said company and their successors, to erect a gate or gates, and such other buildings as they may deem necessary for the residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, not exceeding the following rates, 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, for each horse drawing the same, five cents; for every carriage having two wheels, for each horse drawing the same, four 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, twelve and a half cent; for every dearborn wagon, drawn by one horse, ten cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same, ten cents; for every sleigh or sled, for each horse drawing the same, five 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, as two oxen for one horse; and in all cases a mule shall be rated as a horse; for every score of sheep or swine, fifteen cents; for every head of cattle, two cents; and in no case shall it be lawful for the owner or driver of any horse or cat-

Tolls

tle, to lead or drive more than twenty-five head on the said bridge at the same time: *Provided*, That any persons attending funerals, any military company or detachment of this State, or of the United States, persons attending divine service on the Sabbath day, all persons going to or 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 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, shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges; and if it shall then appear, from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum, on the whole of the capital stock so expended, then and in that case it shall be lawful for said president, managers and company to increase the tolls herein allowed, so much as will raise the dividend to ten per centum per annum; and at the end of every two years thereafter, they shall render to the general assembly a like abstract of their accounts, for the preceding two years; and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum.

SECTION 11. If said company shall not proceed to carry on the work in one year after the passage of this act, or shall not, within three years thereafter, complete the same, according to the true intent and meaning thereof, then and in either of these cases, all and singular, the rights, liberties and franchises hereby granted to said company, shall revert to this Commonwealth.

SECTION 12. If at any time hereafter, the counties of

Penalty for
taking too
much toll

Proviso

Dividend

Abstract of the
accounts to be
sent to legis-
lature

Commence-
ment & com-
pletion limit'd

Sale of bridge authorized Wayne or Pike, in the State of Pennsylvania, or any incorporated town in the State shall think proper to purchase the said bridge, for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge, for such sum as a jury of twelve disinterested men, appointed by the court of common pleas, in either of the above mentioned counties, may adjudge the same to be worth, and estimating the clear amount of tolls at ten per cent. per annum, on the original cost of said bridge.

Millers and bolters to mark casks SECTION 13. That from and after the passage of this act, it shall be lawful for millers or bolters of all flour of wheat, flour of rye, and meal made of Indian corn, to mark their casks by branding as now required by law, or by painting them in such manner as clearly to designate the mill and quality, any thing in the thirteenth section of the act of fifteenth April, one thousand eight hundred and thirty-five, to the contrary notwithstanding.

When for exportation—mark to be entered with clerk Quarter Sessions SECTION 14. It shall be the duty of every miller or bolter of flour for exportation, to enter with the clerk of the court of quarter sessions of the county where he resides, a description of the mark intended to be used by him, under the provisions of the thirteenth section of this act, in the same manner prescribed for entering brands by the laws of this Commonwealth, under like penalty. And any false or fraudulent marking of any cask, in the manner authorized by the said thirteenth section, shall be subject to the same penalties inflicted by the act passed the fifteenth day of April, eighteen hundred and thirty-five, entitled "An act relating to inspections." And any marks placed on any cask in the manner herein permitted, shall have the same force and effect, to all intents and purposes, as branding within the provisions of the act last aforesaid.

Penalty And if any person shall fraudulently make or alter any mark or brand, authorized by the thirteenth section of this act, or by the act last aforesaid, he shall, on conviction, be fined in any sum not less than twenty nor more than one hundred dollars, and be imprisoned not less three months nor more than one year.

Fine and imprisonment

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—This sixth day of April, A. D. eighteen hundred and forty-one.

DAVID R. PORTER.