

of the supervisors, if they believe the complaint well founded, to give notice thereof to the party or parties complained of, and request him or them to put his or their portion of road in good repair, within six days thereafter, and if he or they shall still neglect or refuse to repair the same, then it shall be the duty of two of the auditors of the township, upon notice given them by the said supervisors, to examine the same, and if they shall be of opinion that said section or sections of road is not in good repair, they shall direct the supervisors to have the same put in good repair, and the cost of said repairs shall be recoverable by said supervisors of said contractor or contractors, as other debts of equal amount are by law recoverable, with costs of suit.

SECTION 5. The supervisors shall be allowed such compensation for their services as the auditors of the township shall deem just and equitable.

SECTION 6. So much of the act of assembly relative to roads and highways as is inconsistent herewith, is hereby repealed, so far as the same relates to the township of Hanover, in the county of Washington.

WM. A. CRABB,
Speaker of the House of Representatives.

JN. H. EWING,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER,

[No. 90.]

AN ACT

Authorizing the Governor to Incorporate a Company to erect a Bridge over the Mahoning Creek, Armstrong county, 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 Jno. Gilpin, Chambers Orr, Samuel Hutcheson, Philip Michling, and William Templeton, of the county of Armstrong, William Jack of Jefferson county, or a majority of them, 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, provide a book or books for 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 Mahoning bridge company, for erecting a bridge over the Mahoning creek, at or near the mouth thereof, in the county of Armstrong, the sum of ten dollars, for each and every share of stock in the said company, set opposite our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled 'An act authorizing the Governor to incorporate a company to erect a bridge over the Mahoning creek, in the county of Armstrong.' Witness our hands, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____.
- And shall thereupon give notice in two of the public newspapers printed in Armstrong county, at least one month, of the times and places where and when the said books shall be open to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until fifty shares shall be subscribed; and if fifty 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 adjournment public notice shall be given in some one or more of the newspapers before mentioned: *Provided always*, That every person, on entering his name in the said books as a subscriber, shall pay two 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.
- SECTION 2. As soon as fifty shares shall have been subscribed, the said commissioners, or a majority of them, as aforesaid named, 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 Mahoning mouth bridge company, for erecting a bridge over the Mahoning, at the mouth thereof, in the county of Armstrong, 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
- Form of sub-
scription
- Notice
- Shares
- Proviso
- Letters patent
- Name
- Privileges

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 work, 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.

SECTION 3. Any ten of the persons named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed at Kittanning, of a time and place to be appointed, not less than twenty 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, three managers, one person for secretary and treasurer, 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 of 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 persons 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.

SECTION 4. A public meeting of the said stockholders shall be held on the first Monday of August next, following the first election had as aforesaid, and on the first Monday of June, 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.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each subscriber shall be entitled to one such certificate, for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, two 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 payments 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.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting two 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, 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.

SECTION 7. If any stockholder, after thirty days notice in a public newspaper, printed in Kittanning, 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 shall remain unpaid so long, that the accumulated penalties shall become equal to the sum 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 minute book by the clerk, at such meeting.

SECTION 8. 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

Quorum

Officers

Salaries

Penalty for neglect to pay instalments

Land

Works

owners; but in case they cannot agree, then it shall and may lawful for the said president and managers to apply to the court of common pleas of Armstrong county, who, upon such application, are hereby authorized and required, to appoint two discreet and disinterested freeholders of this State, and also to call upon the owner or owners of said lands; whose duty it shall be to appoint one, 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 disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement 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 appraisement 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 costs of appraisement, 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.

Disagreement
with owners—
how remedied

SECTION 9. The president and managers of said company, shall keep fair and just accounts of all moneys received by them, from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profits on shares which may be forfeited as aforesaid, of all voluntary contributions, and of all moneys 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 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, and to demand and receive the moneys subscribed on such shares, in like manner and under like penalties, as are herein provided for the original subscription.

Increase of
shares

SECTION 10. When the Mahoning mouth 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 four cents; for every carriage or wagon used for the purpose of agriculture, having four wheels, eight cents for each horse drawing the same; for every carriage, wagon or cart used for the purpose of agriculture, having two wheels, eight cents for each horse drawing the same; for every carriage used for personal accommodation or pleasure, having four wheels, twenty cents for each horse drawing the same; for every carriage having two wheels, used for personal accommodation or pleasure, twenty cents for each horse drawing the same: for every sleigh or sled, fifteen cents for each horse drawing the same; for every horse, mare or gelding, with or without 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, going to or returning from divine worship, elections or military trainings, and students and children attending schools or seminaries of learning, shall at all times be exempted from the payment of any 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 adequate to the redemption of the 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 thereor 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 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.

Bridge vested
in company

Tolls

Proviso

2d proviso

Fund

Free bridge

SECTION 11. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for passing over said bridge, than what is hereinbefore prescribed, or shall neglect to keep 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 townships of Madison and Pine, and the other half to the person who may 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 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 contested, or by certiorari if the legality of his proceedings or jurisdiction be disputed.

Penalty for exacting illegal toll

Proviso

2d proviso

SECTION 12. The said president, managers and company shall keep a just account of all moneys 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, the repairing, or the rebuilding of the said bridge, as time and accident may render necessary, and shall on the first week of June 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, or as soon as the same shall be demanded.

Dividends

SECTION 13. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president or managers to enter in and upon all the lands, tenements, and enclosures for the examination and location, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same, and in case of the refusal to pay the owner of the said material therefor, suit may be sustained and recovery had in like manner as other debts are now recoverable by law.

To enter on lands

SECTION 14. The county commissioners of the counties of Clarion, Jefferson, and Armstrong, are hereby authorized and empowered to subscribe to the capital stock of said company, such number of shares as they may deem right and proper; in which event the commissioners of the respective counties or any of them, shall have the right to vote at the elections of

Commissioners of Clarion, Jefferson and Armstrong to subscribe for stock

said company, under the same provisions as private individuals.

SECTION 15. 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 or tolls affixed in any place for the information of passengers, 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 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, she or they 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 reversal as provided for in similar cases by law.

SECTION 16. 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, or to do or conduct any other business in the nature of banking business, and in case they should do so contrary to the provisions of this section, then their chartered privileges shall be null and void.

SECTION 17. If the president, managers and company for erecting the bridge aforesaid over the Mahoning creek, shall not proceed to carry on the said work within the space of five years from the passing of this act, and shall not within the space of six years from the passing thereof complete 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 said company.

SECTION 18. That the legislature shall have power to alter the rate of tolls fixed by this act, and the managers of said company may lessen the same, whenever they shall believe it necessary for the well being of the company, or the community at large.

SECTION 19. That whenever the bridge over the river Schuylkill, at or near Callowhill street, shall have been built in accordance with the act of assembly of the sixteenth March, eighteen hundred and thirty-nine, so much of the second section of the said act as requires the district of Spring Garden to rebuild the said bridge in case it shall be destroyed, is hereby repealed, and the county commissioners are hereby author-

Penalty for
injuring bridge

Proviso

Banking pro-
hibited

Time for com-
mencement &
completion
limited

Legislative
reservation

Callowhill st.
bridge over
River Schuyl-
kill to be re-
built by co-
mmissioners

ized to rebuild the said bridge whenever an appropriation shall be made by the county board.

SECTION 20. That so much of the eighty-first section of the act of the fifteenth day of April, one thousand eight hundred and thirty-four, relating to counties and townships, and county and township officers, as requires the election of three supervisors and a township treasurer, is hereby repealed as to the township of Falls, in the county of Luzerne, and hereafter it shall be the duty of the electors of the said township to elect two supervisors, who shall serve for one year and shall perform the duties and be subject to the responsibilities provided by the act above named.

Luzerne co
Falls t'p—to
elect two su-
pervisors

SECTION 21. That the tenth section of the act entitled "an act authorizing the laying out of certain state roads and for other purposes," approved the twenty-eighth day of May, eighteen hundred and forty, be and the same is hereby repealed, so far as relates to the laying out of a state road, from Doylestown to Lumberville, in the county of Bucks.

Bucks co—
state road from
Dolestown to
Lumberville
repealed

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 91.]

A N A C T

To annul the marriage contract of Gouverneur M. Millspaugh and Harriet S., his wife.

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 marriage contract entered into by and between Gouverneur M. Millspaugh and Harriet S., his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom,

Contract an-
nulled