

No. 285.

A N A C T

Prohibiting persons from throwing slabs in Red Bank creek and its navigable tributaries, and to incorporate a company to re-build a toll bridge over the Allegheny river, at Emlenton, in Venango county.

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 passage of this act, any person or persons who shall wilfully cast, throw, place or cause to be cast, thrown or placed, in the channel of the Red Bank river creek, or any of its navigable tributaries, below high water mark, any slab or slabs, edgings or other refuse pieces of lumber or floating material of timber kind, and shall be convicted on indictment in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars, at the discretion of the said court.

Penalty for obstructing the channel of the Red Bank river creek, or any of its navigable tributaries.

SECTION 2. Any person or persons who shall wilfully cut and fall, or cause to be cut and felled, into the said Red Bank creek or its navigable tributaries as aforesaid, any tree or trees, sapling or saplings, or cast in any tree top or tops of trees, and leave the same remaining in the channel of the stream as aforesaid, for a longer period than twenty-four hours, upon conviction in the court aforesaid, in the manner aforesaid, shall be fined in any sum not less than five nor more than one hundred dollars; and all fines recovered by this act shall be one-half for the supervisors of the roads, to be worked out on the roads of the proper township within where the offence is committed, and the other half shall be paid to the informer: *Provided,* That nothing in this act shall extend to persons putting in lumber, timber or other floating material, for the purpose of running the same to market, or for other lawful purposes, and which is intended to be run or taken out in a reasonable time.

Penalty for felling trees into the said creek, &c.

Proviso.

SECTION 3. That William E. Bishop, David Phipps, David B. Long, J. King, Jacob Black, J. Keating, A. W. Crawford, Washington Smith, Samuel Phipps, John Law, Henry Allebach, Jacob Shaeffer, Walter Lourie, C. Henlon, Jacob Schweitzer, John Murren, Benjamin Faust, G. Morgan, E. G. Engle, James M'Mahan, John F. Conner, Robert Cross, John Craig, Robert Galeger, James J. M'Ginnis, Thomas M'Kee, Dr. M'Millen, Thomas Anderson, William Perry, John Riddle, James Perry, William Coulter, John Phipps, William Christy, Samuel Eakin, M. M'Closkey, A. B. Curtis, J. Shannon, Arnold Plumer, R. S. Porterfield, George Morgan, Jacob Truby, Robert Riddle, Daniel Smith and John Allen, all of Venango and Clarion counties, be and they are hereby appointed commissioners, any five of whom shall be a quorum, and shall have power to appoint one or more to their number if necessary, and to fill vacancies, and to do and perform the several duties hereinafter mentioned, that is to say: they shall on or before the first day of July next, procure a book or books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorized to erect a bridge over the Allegheny river, at Emlen-

Commissioners.

Quorum.

Powers.

Fill vacancies.

Form of subscription.

ton, in Venango county, for the use of said company, twenty dollars for each share of stock set opposite 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 to authorize the governor to incorporate a company to build a toll bridge over the river Allegheny, at Emlenton, Venango county.' Witness our hands this

day of one thousand eight hundred and forty-nine;" and shall thereupon give notice in one newspaper in Clarion county, and one newspaper in Venango county, and one newspaper in Butler county, for one calendar month at least, of the times and places, when and where the said book or books shall be opened to receive subscriptions for the stock of 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 person or persons by whom he shall be authorized so to do, for any number of shares in said stock, until five 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 times and places as they may think proper, and give such further notice as they may see necessary, and when the subscriptions shall amount to five hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in his own name, or in that of any other person, shall at the time of subscribing pay to the attending commissioner or commissioners, one dollar on every share for which he shall subscribe, out of which money shall be defrayed the expenses of taking such subscriptions and other incidental expenses and 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.

Notice of time and place of opening books to receive subscriptions.

Who may subscribe.

Proviso.

SECTION 4. That when two hundred and fifty shares of 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 the governor* under his hand and seal of the state, to create and erect the subscribers, and if the subscriptions be not full at the time, then also those who shall afterwards 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 Emlenton bridge, at Emlenton;" 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 fulfill 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 for any less estate; and 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 corporation or body politic may lawfully do.

Incorporate.

Style.

Privileges.

SECTION 5. That the three first named persons in the letters patent, Organization.

as soon as conveniently may be after the sealing of the same, shall give notice in two or more public newspapers in the counties of Venango, Butler and Clarion, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize said company, and shall choose by a majority of the subscribers by ballot, to be delivered in person, one president, six managers and one treasurer, who shall serve until other officers shall be elected or chosen lawfully as hereinafter directed; and may make such rules, orders, regulations and by-laws, not inconsistent with the constitution and 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.

Officers.

Annual meeting of stockholders.

Proviso.

SECTION 6. That a public meeting of the said 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 may 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 each person shall be entitled to one vote for every share under ten.

Certificates of stock.

SECTION 7. That 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 of the sum due thereon, two 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 treasurer for the time being, subject however, to the payments due, or to become 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.

Transferable.

Meetings of the president and managers.
Quorum.

Powers.

SECTION 8. That the 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 meetings five members shall form 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 full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary, for the erection or construction of the same, or any part thereof; they shall also determine the times, manner and proportions 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 contract, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things as by this act or the by-laws of the company shall be committed to them.

Stock forfeited, when.

SECTION 9. That if any stockholder, after thirty days' notice given in two or more newspapers printed in said county, of the time and place appointed for payment of any instalment of the 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 legal interest for every such delay of payment; and if he does

not pay after notice be given him, then, at the option of the company, such shares 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.

SECTION 10. That whenever it shall appear to the said president, May extend the managers and company, at any general or special meeting, that the said number of shares, 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.

SECTION 11. That when a safe passage may be had across said bridge, the property of the same shall be vested in the said company, their successors and assigns; and the said company, their successors and assigns are hereby empowered to erect gates, and demand and receive toll, at not exceeding the following rates, to wit: for every score of sheep, six cents; for every score of hogs, twelve cents; for every score of cattle, twenty-five cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, five cents; for every foot passenger, two cents; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, pheaton or chaise, with two or more horses with four wheels, ten cents per horse, and for every carriage of pleasure the like sum, under whatever name it may pass; for every stage wagon, with two horses, ten cents; for every such wagon drawn by four horses, twenty-five cents; for every sleigh, five cents for every horse drawing the same; for every sled, three cents for every horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That said bridge shall be constructed as to admit any load not exceeding six tons, and drawn by not more than eight horses or oxen, at all times to cross it; and the said president and managers, however, to have the power to increase the toll to be demanded, for any carriage of burden crossing the said bridge laden with more than three tons, to any 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 person attending funerals, churches, schools, or going to or returning from militia trainings.

SECTION 12. That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater amount of tolls for passing said bridge than what are 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 six days' notice given by or from any justice of the peace of said county, they so offending shall for every such offence forfeit and pay the sum of thirty dollars, to be recovered as debts of the same amount are recoverable, one moiety thereof to go for the use of the poor of the county, the other moiety for 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 13. That the president and managers shall keep a just and true account of all moneys received as toll for crossing said bridge, or counts of moneys otherwise, and shall make and declare a dividend of the profits and income after deducting costs, charges and expenses, and shall on the first Monday of May and November, of every year, publish the dividend to be

Proviso.

made of the clear profits thereof amongst the stockholders, 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 dividends, to reserve such sum or proportion of the clear semi-annual income not exceeding one per cent. on the capital stock, as they may think proper, to form a contingent fund, for the purpose of repairing and re-building said bridge in case of decay or injury, and the same to invest in such security or in such stock as they shall deem safe and productive, and the interest arising therefrom again to invest, and the same stock to sell or transfer, at any time when the funds may be required, or dispose of to advantage to said company.

Collector of tolls and watchman to take oath, &c.

SECTION 14. That it shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, or watchman or watchmen of said bridge, to take and subscribe an oath or affirmation, before a competent officer to administer the same of said county, that he or they will faithfully conduct themselves in their respective stations, and honestly account to the treasurer of the company 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 engagement he or they may enter into with the president and managers of said bridge.

Penalty for injury to bridge.

SECTION 15. That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or any toll-house, gates, bars or other property of the said company, appurtenant thereto, or erected for the use or convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders 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 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 said corporation the sum of twenty 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 a lighted segar, pipe or fire, in any manner whatever, over said bridge, except in a lantern or some vessel secured so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any gun, pistol or other fire arms on or near said bridge, so that said bridge might by possibility be fired or injured thereby, he or they 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 said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages.

Penalty for carrying lighted segars, pipes, or fire over said bridge.

County commissioners of Butler, Venango and Clarion counties, authorized to subscribe for any number of shares not exceeding, &c.

SECTION 16. The county commissioners of the counties of Butler, Venango and Clarion, with the approbation of the judges of the courts of quarter sessions and grand juries of said counties respectively, are hereby authorized to subscribe for any number of shares for each of said counties respectively, not exceeding one hundred shares, for the use of the county, of the stock of said company, upon the same conditions and terms as individuals; and upon such subscription made,

shall have the right to vote at the annual and other elections and meetings of said company as stockholders.

SECTION 17. That if the said company shall not proceed to carry on said work within two years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to revoke the charter of said company, except so far as may be necessary to wind up its affairs; and it shall be lawful for the legislature to resume all and singular the rights, liberties and privileges hereby granted to said company.

SECTION 18. That the said company shall construct the aforesaid bridge so that it shall not impede, obstruct or injure the ascending, descending or steamboat navigation of said Allegheny river; and the legislature reserves the right at any time hereafter to alter, amend or repeal this charter: *Provided however*, That no injustice shall be done to the incorporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 286.

AN ACT

Relating to the judicial districts of this commonwealth.

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* 18th judicial district.
from and after the passage of this act, the eighteenth judicial district shall consist of the counties of Venango, Clarion, Jefferson, Elk and Forest.

The thirteenth judicial district shall consist of the counties of Bradford, Tioga, Potter and McKean. 13th judicial district.

The eleventh judicial district shall consist of the counties of Luzerne, Susquehanna and Wyoming. 11th judicial district.

The sixth judicial district, of the counties of Erie, Crawford and Warren. 6th judicial district.

The twenty-first judicial district, of the county of Schuylkill. 21st judicial district.

The counties of Wayne, Pike, Monroe and Carbon shall be and are hereby erected into a separate judicial district, to be called the twenty-second district. 22d judicial district.

The counties of Northampton and Lehigh shall constitute the third judicial district. 3d judicial district.