phia, as fully and effectually as it now is in the said city and incorporated districts.

Proceeding in case where party walls are condemned, &c., after thirty days notice given.

SECTION 9. That in every case where a party wall or walls shall be and may heretofore have been condemned, under the provisions of the *seventh section of the act passed March thirtieth*, eighteen hundred and twenty-nine, and June twenty-first, eighteen hundred and thirty-nine, it shall be the owner or occupant of the premises whereon said party wall or party walls is or are situate, within thirty days after notice of said condemnation to him or her given, to cause the same to be removed, but at *the proper charge of the person or persons upon whose* application said party wall may have been condemned; and upon his or her failure to remove the same within said time, and upon the representation thereof, upon oath or affirmation, to the court of common pleas for the city and county of Philadelphia, the said court shall grant a rule to shew cause why a writ should not be directed to the *sheriff of said* county, returnable to the first Monday of the next month after the issuing of such writ, commanding him, at the proper charge of such applicant or applicants, forthwith to remove said party wall or walls, or cause the same to be removed, and upon the return of said rule, if no sufficient cause be shown to the contrary, it shall be the duty of the said court forthwith to direct said writ to issue.

Court may grant rule to show cause why writ should not issue, &c.

Kensington gas company to increase their capital stock.

SECTION 10. That the Kensington gas company shall be and they *are hereby authorized to increase* their capital to the sum of fifty thousand dollars, and to sell, issue or otherwise to dispose of such an additional number of shares of stock as may be necessary to effect such increase, in such manner, and at such times and places as may be ordered by the directors of said company.

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. 308.

AN ACT

Authorizing the governor to incorporate a company to erect a bridge over the Monongahela river, at the ferry of Jeremiah Davidson.

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 William Searight, Daniel Kaine, Ebenezer Finley, Johnston Vankirk, George E. Hogg, Alexander Gibson, Clark Breadding, James B. Davidson, James Ewing, John Philan, Amos Marton, Elihu Crain, Thomas

Commissioners.

Alphrey, Jonathan Garrard, Charles Rex, Isaac Biddle, James Barns, William Armstrong and Alexander Davidson, or a majority of them, be and 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 January next, provide a book or books, and shall enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Fayette and Greene bridge company, for erecting a bridge over the Monongahela river, at the ferry of Jeremiah Davidson, in the counties of Fayette and Greene, the sum of twenty dollars for each share of stock in said company, set opposite to 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 Monongahela river, at the ferry of Jeremiah Davidson, in the counties of Fayette and Greene.' Witness our hands this day of in the year of our Lord, one thousand eight hundred and ;" and shall thereupon give thirty days' notice in one newspaper printed in Greene county, and two newspapers printed in Fayette county, 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 one hundred shares shall be subscribed, and if one 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 adjournment public notice shall be given in 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.

Form of subscription.

Proviso.

SECTION 2. As soon as one 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 Fayette and Greene bridge company," for erecting a bridge over the Monongahela river, at the ferry of Jeremiah Davidson, in the counties of Fayette and Greene, 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 and estates, real or 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.

Incorporate.

Style.

SECTION 3. Any ten of the persons named in the letters patent of incorporation, shall as soon as conveniently may be after the sealing of the same, give thirty days' notice in one newspaper printed in Greene county, and two newspapers printed in Fayette county, of a time and place to be appointed, not less than thirty days from the time of giving 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 by ballot, to be delivered either in person or by proxy duly authorized, one president, three managers, one person for secretary and treasurer, 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, in determining any question arising at such meetings, whatever number of shares he may have subscribed. Organization. Officers. By-laws. Proviso. Proviso.

SECTION 4. A public meeting of 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 interest of said company. Elections.

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 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 that may become due thereon; and the person 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. Transferable.

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 a majority shall be a quorum, who in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings 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, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work done and labor performed, or materials furnished, which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by their clerk; Quorum. Powers.

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 the manner aforesaid, of the time and places appointed for the payment of any proportion, dividend or instalment of 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 two 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 of such meeting.

Stock forfeited.

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 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 the proper county, who, upon such application are hereby authorized and required to appoint three discreet and disinterested persons of such county, 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 lands, 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: *Provided*, That before said company shall enter upon, or take possession of any land or lands, they shall make compensation to the owner or owners thereof, or give adequate security therefor: *And provided also*, That either party may appeal from the award of the appraisers to the court of common pleas of the proper county, at any period within thirty days after the filing of said award.

Owners of lands to be paid, &c.

Proviso.

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

Accounts.

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 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: *Provided*, That the said company shall erect the said bridge, at such an elevation above high water mark, as not to obstruct or impede in any way the free navigation of said river by steamboats or other water craft; and in case of any and every violation of this provision, the company shall be liable to indictment, agreeably to the laws of this commonwealth relating to nuisances.

May increase number of shares.

Proviso.

SECTION 10. When the said 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; 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 or wagon used for the purpose of agriculture, having four wheels, six cents for each horse drawing the same; for every carriage, wagon or cart used for the purpose of agriculture, having two wheels, six cents for each horse drawing the same; for every carriage used for personal accommodation or pleasure, having four wheels, twelve cents for each horse drawing the same; for every carriage having two wheels, used for personal accommodation or pleasure, ten cents for each horse drawing the same; for every sleigh or sled, six cents for each horse drawing the same; for every horse, mare, gelding or mule, with or without rider, four cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated each ox as equal to one horse, and in all cases a mule to be rated as a horse, six cents for each horse, ox or mule drawing the same; for every head of horned or muley cattle, two cents; for every head of sheep or swine, one cent: *Provided*, That the said president, managers and company may, at any time, reduce the tolls upon said bridge below the several rates specified in this section.

Tolls.

Proviso.

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 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 township in which suit shall be brought, and the other half to the person who may sue for the same: *Provided always*, That no such suit shall be brought 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.

Over charge for toll, how punished.

Proviso.

Proviso.

SECTION 12. That the said president, managers and company shall keep a just account of all moneys received by their several collectors of

Dividends.

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 and rebuilding of the said bridge, as time and accident may render necessary; and shall on the first week of June and December 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.

Enter upon lands.

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 and managers, to enter in and upon 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.

Injuries to bridge &c., how punished.

SECTION 14. 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 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 twenty 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.

Proviso.

Commencement and completion of bridge.

SECTION 15. If the president, managers and company for erecting the bridge aforesaid, shall not proceed to carry on the said work within the space of three years from the passing of this act, and shall not within the space of six years from the passing thereof complete the same, the rights and privileges hereby granted to said company shall revert to the commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The sixth day of March, Anno Domini, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.