[1848.]

No. 385.

AN ACT

To incorporate the Matawana bridge company.

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 James Cresswell, Casper Dull, Charles Bratten, John Hartzler, David Meller, Abraham Rethrock, George W. Breckman, Joshua King, Thomas Fritz, Christian Kaufman, James Wharton, George W. Wharton, William M'Kinstry, Alexander M'Kinstry, Daniel Yoder, Christian Moist, Elijah Yontzey, Joseph Yoder, Richard Bratten, Samuel Troxell, William Hardy, William S. Wooden, Ralph Bogle, Elijah Davis and James C. M'Cay, of Mifflin county, be and they are hereby created commissioners, authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least four weeks' notice thereof in a paper printed in Mifflin county, of the time and place, when and where the subscriptions will be received; and at the time of subscribing for said stock, two dollars shall be paid to the commissioners or some one of them, which money shall be paid over to the treasurer of said company, as soon as one is appointed, and the residue of said subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and managers of the company may direct.

Commissioners.

To receive subscriptions.

Notice.

SECTION 2. When one hundred and twenty shares are subscribed, the persons holding the same are hereby created and incorporated into a company, by the name and title of "The Matawana bridge company," and by that name those who have subscribed, and those that may hereafter subscribe, shall have perpetual succession, with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their 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 shall be found necessary to build the bridge, or fulfill the intent of this act; and of purchasing and holding to them and their successors, lands, tenements, hereditaments and estates in fee simple, or any real or personal estate as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose off at their pleasure, and of suing and being sued, pleading and being impleaded in all courts of justice.

Incorporated.

Name.

Privileges.

SECTION 3. That the capital stock of said company shall not exceed ten thousand dollars, and shall be divided into shares of twenty-five dollars for each share; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed, at such period, and in such instalments as the directors of said company may order or determine.

Capital stock.

SECTION 4. As soon as one hundred and twenty shares of the said capital stock shall be subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Mifflin county for three weeks, of the time and place of a meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, seven directors, four of whom shall be a quorum, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company, until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the constitution and laws of this commonwealth, for the well ordering of the affairs of said company, and fixing upon the site or location of said bridge; and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election, if the number shall not exceed five; and one vote for every two shares above five, and not exceeding nine; and one vote for every five shares above nine, until the number of votes amount to twelve, and that no person shall be entitled to more than twelve votes; and the stockholders shall meet on the last Saturday in December in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year.

Organization and election of officers.

Votes.

Annual meeting.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder in person or attorney, subject to the payment of any balance that may be due thereon, and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company in proportion to the number of shares by them held, and to vote at the meetings thereof as aforesaid; and the president and directors shall meet at such times and places as shall be agreed on for the transaction of business; at such meetings four members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents and agents as they shall think necessary to construct a bridge across the Juniata river, at M'Veytown, in Mifflin county, and to complete the same and fix the salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and to do and transact all things by this act and the by-laws and regulatiens of the company that may be lawful.

Certificates of stock.

Transferable.

Quorum.

SECTION 6. It shall be lawful for the president and directors, their superintendents, engineers and workmen to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber, or dig gravel, quarry stone or gather sand necessary for building said bridge; also to enter thereon with wagons, carts, sleds, sleighs or beasts of burden or draft, and to take and carry off any material necessary in the construction of said bridge, doing as little damage as possible, and making amends for any damage that may be done; which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders, chosen by the parties, and if the parties cannot agree on the men, or if either party, on due notice, shall neglect or refuse to join in the choice, the said freeholders shall, on application, be appointed by any justice of the peace within the county, not interested, who after being sworn or affirmed, shall assess

Enter upon lands, &c.

Damages, how ascertained and paid.

or appraise the damage and make report thereof to the justice of the peace who appointed them; and the said directors or other persons by them employed, after the payment of the appraised value to the owner, or giving adequate security therefor, may enter, chop, dig, quarry and carry off any material necessary in the building or repairing said bridge.

Accounts.

SECTION 7. The president and directors of the said company shall keep just and fair accounts of all the moneys received by them, in any way under the provisions of this act, and also all moneys by them expended, and all voluntary contributions to said company, and shall at least once a year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.

Tolls.

SECTION 8. When a good and complete bridge is erected over said Juniata river at the place aforesaid, the company, their successors or assigns, may demand the same rates of toll as are allowed in the act, entitled "An Act to authorize the governor to incorporate a company to erect a bridge over the Juniata river at M'Veytown, Mifflin county, and for other purposes," passed thirteenth day of March, one thousand eight hundred and thirty-eight, and shall cause to be put up and kept up in some conspicuous place at the gates of said bridge, a list of the rates of toll.

Injuries to work punishable.

SECTION 9. That if any persons shall wilfully cut, destroy or break, or remove from off said bridge, or any part thereof, any piece of timber, stone, plank, chain, bolt, or any materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay for every such offence over and above the damage done to said bridge, the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof.

Dividend.

SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a growing fund, for repairing or re-building said bridge, and shall, on the first Monday of January in each year, publish the dividends to be made of the clear profits thereof 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: *Provided*, That no dividends of profits shall be declared until all the expenses of building and constructing said bridge shall be fully paid.

Proviso.

Location.

Valuation of old bridge, &c.

Proviso.

SECTION 11. The said president and directors shall locate the said bridge upon the site of the old one, using the abutments and piers that are now standing, and paying the company incorporated in eighteen hundred and thirty-eight, for the same, and all other materials that can be used in the construction of the new bridge; the valuation of the property referred to of the old company, to be made by three disinterested persons, to be selected in the following manner: one by the president and directors of the old company; a second by the president and directors of the new company; and a third by the two chosen as aforesaid, who shall be duly qualified according to law: *Provided however*, If the company hereby incorporated are not satisfied with the valuation so made, it shall be lawful for them to apply to the court of quarter sessions of Mifflin county, whose duty it shall be to appoint three disinterested persons, who shall meet at a time and place agreed on by the parties; and after being duly sworn or affirmed according to law, shall put a fair and just valuation on said abutments, piers and other materials, to the best of their judgment.

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

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 386.

AN ACT

To incorporate the Allegheny Evangelical Lutheran synod of Pennsylvania.

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 present members of the Allegheny Evangelical Lutheran synod of Pennsylvania, and their successors, shall be and hereby are created and declared to be a body corporate, by the name, style and title of "The Allegheny Evangelical Lutheran synod of Pennsylvania,," and by the same name shall have perpetual succession, and shall be able and capable in law to sue and be sued, plead and be impleaded in courts of law or equity, in this state or elsewhere, and to make and have a common seal, and the same to break, alter or renew at their pleasure, and also to ordain and establish such by-laws and ordinances as shall be necessary and proper for the regulating of the temporal concerns of the synod, for promoting religion in it: *Provided,* They be not repugnant to this act or to the laws of the state. Incorporators. Style. Privileges. Proviso.

SECTION 2. That the said synod shall consist of a president, secretary and treasurer, and such other officers as may be deemed advisable for the time being, who are to comply with such rules and regulations as may be adopted by the said synod. Officers.

SECTION 3. That the said synod may annually elect a president, secretary, treasurer, and such other officers as may be deemed advisable to elect for the time being, together with such ministers of the gospel and laymen as they in their wisdom and prudence may from time to time admit as members of said synod. Election.

SECTION 4. That the said synod and their successors, by the name and style aforesaid, shall be able and capable in law to have, purchase, take, receive and hold lands, tenements, results, annuities and other hereditaments which may be sold, devised, or in any other way conveyed to said synod for their use, or in trust for them: *Provided,* That the said corporation shall not at any time hold or possess property, real, Estate. Proviso.