

No. 161.

AN ACT

To authorise the Governor to incorporate a company to erect a bridge over the West Branch of the Susquehanna, at the borough of Milton, in the county of Northumberland.

SECT. 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 Samuel Hepburn, Mathias Strine, Joseph Bound, Isaac Straub, Fleming W. Pollock, Frederick G. Fiedler, Joseph Rhoades, William H. Sanderson, John Davidson, and Henry Frick, of the borough of Milton, Robert H. Hammond, of Turbut township, in the county of Northumberland, and James Moore of Union, be and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of October next, procure one or more books for taking subscriptions of stock, and shall write therein as follows, "We whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the West Branch of the Susquehanna, at the borough of Milton, in the county of Northumberland, the sum of twenty-five 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 shall be determined by the president and managers, in pursuance of an act of assembly entitled, "An act to authorise the Governor to incorporate a company to erect a bridge over the West Branch of the Susquehanna, at the borough of Milton, in the county of Northumberland." Witness our hands the day of Anno Domini one thousand eight hundred and ," and shall thereupon give notice in the newspapers printed in the borough of Milton; for at least one month of the times when, and places where the said books shall be opened to receive subscriptions of stock to the aforesaid company, at which times and places some one or more of the said commissioners shall attend for that purpose, and shall receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which 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 five hundred shares, and the said commissioners may adjourn

Commissioners appointed to open books, &c.

Form of subscription.

\$25 per share.

Notice.

Who may subscribe.

500 shares.

from time to time, until the whole number of shares aforesaid shall be subscribed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed two hundred and fifty shares, and paid three dollars upon each share, 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 and may be lawful for the Governor by letters patent under his hand and seal of the state to create and erect the subscribers, and also all those who may hereafter subscribe, into one body politic and corporate in deed and in law, by the name, style and title, of the Milton 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 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 fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, or for any less estate, all such lands, tenements, and hereditaments, and estate, 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.

SECT. 3. *And be it further enacted by the authority aforesaid,* That a majority of the persons named in the letters patent, shall as soon as conveniently may be, after the sealing the same, give notice in one or more newspapers printed in the borough of Milton, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organise the said company, and shall choose by a majority of votes of the said subscribers by ballot, either in person or by proxy duly authorised, one president, six managers, one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next annual election of said company;

When 20 persons take 250 shares and pay \$3 on each share charter may issue.

Style.

Privileges, liabilities, &c.

Majority to give notice of first election.

Organization

President, 6 managers, treas'r, &c.

Board to fill vacancies.

they may make and have one common seal, and the same may break, and alter or renew at their pleasure, and may make such by laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States, or of this state, shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each person shall be entitled to one vote for every share by him or her held not exceeding five, but no share or number of shares above five, shall entitle the holder thereof to more than two votes at any election or meeting of said company: *And provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting of said company shall have been fully paid and discharged.

Seal.
By-laws, &c.
One vote each share up to 5, none over five more than 2 votes.
Delinquents not to vote.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any treasurer elected by virtue of this act shall die, resign, or refuse or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, neglect or refuse to take upon him and perform all the duties of his said office, it shall be the duty of the board of managers for the time being, to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election, by the stockholders, on his giving the requisite security, and until a successor shall be duly elected, and give the security required.

Board of Managers to fill temporary vacancies in office of Treas'r.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the Tuesday next following the second Monday in January, in each succeeding year, at such place as shall be fixed on by the rules and orders of the 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 elected.

Annual meeting of stockholders.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers shall make out certificates of stock signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for every share by him held, on his paying to the treasurer on each share so held the sum of ten dollars, which certificates shall be transferable in person or by attorney, on the books of said company, only subject to the sum due, or that may hereafter become due and payable.

Certificates of stock.
Transferable.

President
and mana-
gers.
4 a quorum.

Power, au-
thorities,
&c.

Orders on
Treas'r. &c.

Penalty on
delay in pay-
ing instal-
ments.

Shares may
be forfeited.

Proviso.

Judgment
not to exceed
am't due, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That 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 authorised, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of 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, or in his absence by a quorum of the managers, 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 the said company, shall be entrusted to them.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days public notice in one or more newspapers printed in the borough of Milton, of the time and place for the payment of any instalment or proportion of the said capital stock, shall neglect to pay such proportion 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 such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor, or in default of payment by any stockholder of any such instalment as aforesaid, for the space of sixty days as aforesaid, the said president and managers may at their election cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always,* That the recovery in any such suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with the accumulated penalty, at the rate aforesaid, as shall equal the sums before paid on the same share.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, by and with their superintendents, engi-

neers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said bridge shall be built, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable and equitable agreement by the parties; or if they cannot agree, then upon a just and equitable appraisalment to be made upon oath or affirmation, by three disinterested freeholders or any two of them, to be mutually chosen; or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by any justice of the peace of the county of Northumberland, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of said bridge.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall keep fair and just accounts, as well as of all moneys received by them as of those paid, laid out and expended in the prosecution of said work, and shall at least once in every year, pending the prosecution of said work, submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and 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 they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under the like penalties as are provided by this act for the original subscription.

SECT. 11. *And be it further enacted by the authority aforesaid,* That when the said bridge is completed as aforesaid, the property of the said bridge shall be vested in the said company, their successors and assignees forever, and it shall and may be lawful for said company, their successors and assignees, to erect a gate, and to demand and receive toll from travellers and others, at said bridge, agreeably to the following rates, viz. For every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same, twelve and a half cents; for every such car-

Right to enter inclosures.

To repair breaches, &c.

Appraisalment of damages.

How referees chosen in certain cases

Officers to render annual account to stockholders

May increase stock.

Rates of toll.

riage having two wheels, for each horse drawing the same, twelve and a half 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 twenty-five cents; for every dearborn wagon drawn by one horse, twenty-five cents; for every chair or other two wheeled carriage of pleasure, for each horse drawing the same twenty-five cents; for every sleigh or sled drawn by four horses, fifty cents; for every sleigh or sled drawn by three horses, forty-four cents; for every sleigh or sled drawn by two horses, thirty-seven and a half cents; for every sleigh or sled drawn by one horse, twenty cents; for every horse, mare or gelding with a rider, twelve and a half cents; for every horse, mare or gelding without a rider, six and one-fourth cents; for every score of sheep or swine, twenty-five cents; for every head of horned or muley cattle, four cents; for every foot passenger three cents; oxen or mules drawing wagons, carriages, or vehicles of any description, to be rated the same as horses; and in no case shall it be lawful for the owner or driver of any horses or cattle to lead or drive more than twelve head on said bridge at the same time: *Provided*, That any person or persons attending funerals, any military company or detachment of this state or of the United States, persons attending divine worship on the Sabbath day, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll.

Proviso.

Who may pass free.

\$5 penalty on going faster than a walk.

SECT. 12. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully ride, drive or lead any horse or other creature 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 said company, as fines of the same amount are by law recoverable.

\$10 on charging higher toll.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if any gate-keeper for said company, their successors or assigns, shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorised, 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 person 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.

Proviso. Must sue within 20 days.

Profits, &c.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the said president, managers and company shall make and declare a dividend of the profits and increase

of said bridge, among all the stockholders, deducting first therefrom all contingent costs and charges, and such proportions of the said income as they may deem necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing the said bridge, and shall on the first Mondays in May and November in every year, publish a dividend of the clear profits among the stockholders, and of the time when and place where the same shall be paid, and shall cause the same to be paid accordingly.

Growing fund

Dividends semi-annually.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, at the end of two years next after the said bridge shall be completed, lay before the general assembly an abstract of their accounts, shewing the whole of the 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 costs and charges, in order that the clear yearly income and profits thereof may be ascertained and known, and if it shall then be made to appear, from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then and in that case it shall and may be lawful for the said president, managers and company, to increase the tolls herein allowed, so much as will raise the dividend to six 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 at the end of such period of two years, it shall from such abstract appear that the clear profits and income of the said company will bear a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to ten per centum per annum.

Officers to render to legislature triennial statement.

May increase toll so as to declare 6 per cent.

Not to exceed 10.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if the company authorised by this act to be incorporated, shall at any time institute a bank or issue any note or notes in the nature of bank notes, or carry on any business in the nature of banking, or if the president and managers or any other person connected with the said company, shall use or invest any part of the capital stock of said company, in any incorporated bank, then or in either of these cases, all the powers and privileges granted by this act shall cease and be determined.

Prohibition of banking.

SECT. 17. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the work in five years after the passing of this act, or shall not within five years thereafter complete the same, ac-

To commence in 5 years and complete in 10.

ording 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 the said company shall revert to this commonwealth.

Commissioners appointed to locate bridge.

Time and place of meeting. Oaths, &c.

SECT. 18. *And be it further enacted by the authority aforesaid,* That Reuben Fields and Lewis Dewart, of Northumberland county, and George Weirich, of Union county, be and they are hereby appointed commissioners to view the river shore, in front of the borough of Milton, and to fix upon such scite for the location of the bridge aforesaid, as they may believe most conducive to the public good; and their decision shall be final and conclusive, and shall be adopted as such, by the president and managers of the Milton bridge company, and the said commissioners shall reduce their decision to writing, and file the same among the records of the said company, and the said viewers shall meet at such time as shall be designated by the president and managers, and after subscribing an oath or affirmation to perform their duties with fidelity and impartiality, shall fix upon and determine the scite for the location of the bridge as aforesaid.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the sixth day of April, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 162.

AN ACT

Relative to the Lehigh coal and navigation company, and the Susquehanna and Lehigh canal company.

Part of act of 13th Feb. 1822, relative to partial completion repealed.

SECT. 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 so much of the proviso to the third section of the act entitled "An act to incorporate the Lehigh coal and navigation company," passed the thirteenth February, one thousand eight hundred and twenty-two, as requires the said company to complete fifteen miles of the de-