

five, which five per cent. shall be paid as aforesaid, until the guarantee of the commonwealth in the said supplement, shall cease and determine, when the stockholders created by this act shall be placed on an equal footing with all the prior stockholders in the said company: *Provided*, That nothing in this act shall be construed to impair the guarantee of the commonwealth, on the two hundred thousand dollars mentioned in the said act of the seventh April, one thousand eight hundred and thirty-five, entitled "a supplement to the act entitled an act authorizing the Governor to incorporate the Bald Eagle and Spring Creek Navigation Company," passed the fourteenth day of April, one thousand eight hundred and thirty-four: *And provided further*, That the third section of this act shall not take effect until the said company shall have completed the Bald Eagle Navigation to a point at or near the borough of Bellefonte, in the county of Centre.

Proviso

Guarantee of
the State not
to be impaired

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 75.]

AN ACT

To authorize the Governor to incorporate a company for the purpose of erecting a permanent bridge over the river Conemaugh, at or near Lockport, in Westmoreland county, and for laying out a state road from Blairsville, in Indiana county, to Mount Pleasant, in Westmoreland 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 Peter Maxwell, Robert Riddle and John Taylor, of Indiana county, and John Cavode, Thomas Mabon and Henry Herr, of the county of Westmoreland, be and they are hereby appointed commissioners to perform the duties hereinafter mentioned, that is to say: they

Com'issioners
appointed and
duty defined

shall on or before the first day of March next, provide one or more books for the entering of subscriptions, 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 Conemaugh, at or near Lockport, in the county of Westmoreland, the sum of twenty-five dollars, for every share of stock in the said company set opposite to our 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 the general assembly, entitled "An act to authorize the governor to incorporate a company for the purpose of erecting a permanent bridge over the river Conemaugh at or near Lockport, in the county of Westmoreland:" Witness our hand this day of in the year of one Lord one thousand eight hundred and , " and shall thereupon give notice by printed advertisements, set up in the most public places in the neighborhood of Lockport, during two weeks at least of the times and places where the said books shall be opened to receive subscriptions, at which times and places some one of the commissioners shall attend for that purpose, and keep open the said books during six hours in each four successive juridical days, or until one hundred shares shall have been subscribed, and, if one hundred shares shall not be subscribed within that period, then the said commissioners respectively may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given, by means of printed advertisements aforesaid, or otherwise, as occasion may require, and when one hundred shares shall have been subscribed the books shall be closed.

Notice of the
opening of
books to be
given

When letters
patent to be
issued

SECTION 2. And be it further enacted by the authority aforesaid, that so soon as one hundred shares shall be subscribed, and five dollars per share shall have been actually paid on each share, to the said commissioners, or a majority of them, then a majority of the commissioners may certify the same, together with a list of the subscribers and the shares by each subscribed, and that the said sum has been actually paid on each share, 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 by the name of the president, managers and company, for erecting a bridge over the Conemaugh, at or near Lockport, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase thereof, and of enlarging the same by new subscriptions, if such enlargement be necessary, to fulfil the purpose of this act.

SECTION 3. And be it further enacted by the authority aforesaid, that the six persons first named in the letters patent of incorporation shall, as soon as conveniently may be, after sealing the same, give notice, by printed advertisements aforesaid, of a time and place by them to be appointed, not less than fifteen days from the time of issuing the first 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 in person, one president, five managers, one treasurer, one clerk, 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 may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as may be necessary for the well ordering of the affairs of the company, and as soon as the corporation is so organized, the commissioners shall pay over to the treasurer, the sums paid to them at the time of the subscription, and the corporation shall pay to the commissioners all reasonable expenses which may have attended the taking such subscriptions: *Provided*, That no person shall have more than ten votes, whatever number of shares he may be entitled to, and each person shall be entitled to one vote for each share by him or her held under that number.

Company to
be organized
and officers to
be chosen

Manner of
choosing

SECTION 4. And be it further enacted by the authority aforesaid, that a public meeting of the said stockholders shall be held on the first Monday of December, 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 the company.

Annual meet-
ing of the
stockholders

SECTION 5. And be it further enacted by the authority aforesaid, that 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, 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 fifteen 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 grow due thereon, and the person to whom the transfer shall be made, shall stand in the place of the former holder of the certificate, and shall be entitled to the same privileges in the company.

Certificates of
stock to be
issued

Manner of
transferring
stock

Rates of toll
to be fixed by
the managers

SECTION 6. And be it further enacted by the authority aforesaid, that the president, managers and company, have the same powers authorities and privileges for completing, maintaining and keeping in repair the said brigde, and for fixing the rate of tolls, and collecting the same, and be subject to the same duties, qualifications and restrictions, pénalties, fines and forfeitures, which are, or may be given and granted, or imposed upon the president, directors and company, authorized to erect a bridge over the river Susquehanna, at or near the borough of Harrisburg, in the county of Dauphin.

Com'issioners
to lay out a
state road
from Blairs-
ville to Mount
Pleasant

SECTION 7. That George Meckling and Charles M'Laughlin, of Westmoreland county, and Humphrey T. Woods, of Indiana county, be and they are hereby appointed commissioners to view and lay out and mark a state road, beginning at the Conemaugh bridge, at Blairsville, in Indiana county, thence by way of New Derry and Pleasant Unity to the borough of Mount Pleasant, in Westmoreland county.

Road to be
marked so
that supervi-
sors can find
the same

SECTION 8. That it shall be the duty of the said commissioners, or a majority of them, appointed for to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further it shall be the duty of said commissioners to have due regard to the crossing of water, the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain bearers and one axe man at a per diem allowance not exceeding one dollar.

SECTION 9. That it shall be the duty of the commissioners to make out a fair and accurate draft of the location of said roads, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties through which said roads may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said roads shall be to all intents and purposes public highways, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

A draft to be made

Copy of Draft to be deposited in Court of quarter sessions

SECTION 10. That the accounts of the said commissioners for their own pay and for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurer thereof, on warrants drawn in the usual way in proportion to the length of the road in such county respectively.

Com'issioners to be paid by the county

SECTION 11. That the said commissioners shall meet on or before the first Monday in May next, or as soon thereafter as practicable, at such place as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

When the Com'issioners are to meet

Vacancies

SECTION 12. That the school directors of the several school districts in the county of Delaware, and of the Chambersburg school district, in the county of Franklin, shall not hereafter authorize to be levied on property and other things now made taxable by the laws of this commonwealth, for common school purposes a sum less than equal to, nor more than double, the amount which the said district is entitled to receive out of the annual state appropriation, without the consent of the taxable inhabitants of the said district, first obtained in town meeting, which shall be convened and conducted under the provisions of the sixth section of the act of the thirteenth June, one thousand eight hundred and thirty-six, entitled "An act to consolidate and amend the several acts relative to a general system of education by common schools."

Schools in Delaware County and Chambersburg regulated

SECTION 13. In addition to the tax provided for in the foregoing section, the said directors are hereby authorized to assess upon each scholar that shall attend any of the public

Manner of assessing the Tax

schools in the said district, any sum not exceeding one dollar per quarter, at the discretion of said directors, to be paid by the parent, guardian, master, or other person having charge of such scholar, in proportion to their ability to pay, in such manner as is hereinafter provided.

When the
Tax is to be
returned

And how
paid

SECTION 14. It shall be lawful for the said directors to demand and receive from any parent, guardian, master, or other person having charge of any children in said district, that may send to any of said schools, the amount of tax assessed upon each scholar at the commencement of each quarter, and if any parent, guardian, master, or other person, having charge of any such children, shall neglect or refuse to pay said tax on or before the expiration of the quarter, the president of the board of directors shall issue his warrant to the district collector, authorizing him to collect the same, and the said collector shall have like powers to enforce the payment of the said tax, as is given him by the seventh section of the said act of the thirteenth June, one thousand eight hundred and thirty-six, mentioned in the twelfth section of this act, to collect the tax assessed upon property for school purposes, and shall receive the like compensation for his services.

SECTION 15. The said directors shall have full power to exonerate any parent, guardian, master, or other person, having charge of any children, from the payment of said tax, if they shall be satisfied of their inability to pay the same, but shall not exclude their children from said schools.

Treasurer to
be allowed a
compensation

SECTION 16. The said directors may allow to the treasurer of the said district, a compensation for his services: *Provided*, That the said compensation shall not exceed the sum of ten dollars per annum.

Repealing
clause

SECTION 17. All laws relative to the common school system, which are inconsistent with the provisions of this act, are hereby repealed so far as they relate to the county of Delaware, and the school district of Chambersburg, in the county of Franklin.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED.—The twenty-ninth day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.