

No. 60.

AN ACT

To authorize the governor to incorporate a company to erect a bridge over the Little Conemaugh at Johnstown, in Cambria 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 Peter Levergood, Eli Benshoof, George S. King, Jacob Brallier and Philip Gloughnour, of Cambria county, 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 May next, procure a book or books for 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 Little Conemaugh, opposite or near Washington street, in the borough of Johnstown, in Cambria county, the sum of twenty 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 the general assembly, entitled "An Act to authorize the governor to incorporate a company to erect a bridge over Little Conemaugh, at Johnstown, in Cambria county." Witness our hands this day of in the year of our Lord one thousand eight hundred and forty ; and shall thereupon give notice, in one or more newspapers, printed in Cambria county, during one calendar month, of the times and places when said book or books shall be opened to receive subscriptions; at which times and places some one of said commissioners shall attend for that purpose, and keep the said book or books open for six hours in each day, whereof public notice has been given as aforesaid, for four successive juridical days, or until at least fifty shares shall have been subscribed; and if the said number of shares are not subscribed within that period, then the said commissioners respectively may adjourn from time to time, till the said number of shares shall be subscribed, of which adjournment they shall give such further notice as they shall think proper; and when fifty shares shall have been subscribed, the books shall be closed.

SECTION 2. When twenty or more persons shall have subscribed fifty shares of stock, the commissioners, or a majority of them, shall certify, under their hands, the names of the subscribers, and the number of shares subscribed by each, 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 Little Conemaugh, at or near the borough of Johnstown, in Cambria county, 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 and profits thereof; and of enlarging the same by new subscriptions, if such enlargement be necessary to fulfil the purposes of this act; and of purchasing, taking and holding to them, their successors and assigns; and of selling, transferring and con-

veying, in fee simple or any less estate, 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 body politic or corporate may lawfully do.

SECTION 3. The commissioners aforesaid, or a majority of them, as soon as conveniently may be, after the said letters patent shall have been sealed and obtained, shall give public notice, in at least one paper in Cambria county, of a time and place, by them to be appointed, not less than ten days from the first publication of the notice, at which time and place the said subscribers shall proceed to organize the corporation; and shall choose by a majority of votes of said subscribers, taken by ballot, to be delivered in person or by proxy, duly authorized, one president, four managers and one treasurer, who shall perform the duties of clerk to conduct the business of the company, for one year, and until other officers be chosen; and the said president and managers may make such by-laws, rules, regulations and orders, not inconsistent with the constitution or 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 person shall have more than ten votes at any election, or in determining any question, arising at any meeting of the company, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote, for every share by him held under that number.

Organization.

Officers.

Votes.

SECTION 4. A public meeting of the said stockholders, shall be held on the first Monday of March, in every succeeding year, in 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 interests of the company.

Annual meeting.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in 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, four 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 and treasurer, for the time being, subject, however, to the payment due or that may grow due thereon; and the person to whom such 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.

SECTION 6. The said 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 meeting, three members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and at 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 of said bridge, and to fix their salaries and wages; or at their discretion, to make contracts 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 contracts; which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by the clerk;

Meetings.

Instalments.

and do and transact all matters and things as by this act or by the by-laws of the company, shall be committed to them.

SECTION 7. If any stockholder after twenty days' notice, given in one or more newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, it may be lawful for the president and managers to sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

SECTION 8. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of said county, that he, she or they, will diligently attend to his, her, or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and honestly to account to the treasurer of the company for all the money collected by him, her or them, and generally to execute with care and fidelity, any lawful engagements which he, she, or they, may enter into with the president and managers of said bridge.

SECTION 9. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and assigns, forever; and the president, managers and company, shall have the same powers, authorities, and privileges for maintaining and keeping in repair the said bridge, and for fixing the rates of toll and collecting the same, and be subject to the same duties, restrictions, penalties, fines and forfeitures, which are given and granted or imposed upon president, managers and company, authorized to erect a bridge over Stoney creek at Johnstown, Cambria county: *Provided*, That no toll shall be demanded from any person attending funerals, schools or churches, or going to or returning from military trainings and elections.

SECTION 10. The said president and managers shall keep a just and true account of all moneys received as toll for crossing the said bridge, or otherwise; and shall make and declare a dividend of the profits and incomes, after deducting all costs, expenses and charges, and shall, on the first Monday of January, in every year, publish the dividend to be made of the clear profits thereof, amongst the stockholders; and of the time and place, when and where the same shall be paid, and shall cause it to be paid accordingly.

SECTION 11. 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 any other property of the said corporation, appurtenant to, or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully deface or destroy any list of rates of toll affixed to any place or places, for the information of passengers and others, 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 each and every such offence to the said corporation, the sum of ten dollars, to be recovered before any justice of the peace, as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatever, over said bridge, except in a safe lantern or in some vessel secured, so that the possibility of setting fire to the bridge shall be prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any pistol, gun or other fire arms on or near said bridge, so that said bridge might by possibility be fired or injured thereby, he or she 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 or the perpetrator thereof discovered; and he, she or they, so offending, shall remain liable to actions at the suit of the said corporation for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damages.

SECTION 12. If the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not within the space of three years thereafter complete the said bridge, it shall and may be lawful for the legislature to resume all and singular the rights, liberties and privileges hereby granted to the said company.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.

No. 61.

AN ACT

Relating to the township of Pitt, in the county of Allegheny.

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 auditors of the township of Pitt, in the county of Allegheny, shall, in addition to the notices of their accounts to be given by handbills, cause notice thereof to be published at least once in any two of the newspapers of the city of Pittsburg, ten days previous to the election for supervisors. Auditors.

SECTION 2. That on the fourth Friday of March, in every year, the auditors, together with the supervisors, shall meet together and at said meeting, or any adjournment thereof, shall fix the rates and amount of poor and road taxes for the current year; and shall ascertain, as far as practicable, the probable extent of work, which shall or may be required to be done by the said supervisors during the year, and shall allot to each supervisor a separate portion of the township, for his more especial care and superintendence; and shall assign to each supervisor a fixed sum or salary, to be in full of all his services during that year, which salary shall not exceed two hundred dollars, to any one of the said supervisors; and the said supervisors shall, as far as practicable, contract for the work to be done in opening and repairing the roads within the said township; but in no case shall they, either by contract or otherwise, exceed the amount of the taxes levied for the year, so as to involve the township in debt, without the consent of all the auditors Taxes. Pay.