held agreeably to the directions of the fourth section of this act; and to make, use, and have a common seal, and the same to break, alter, and renew at pleasure; and shall have power also to change the time of holding the general election, if the same shall be deemed advisable by a majority of the members qualified to vote, present at a meeting convened agreeably to the directions of the fourth section of this act: *Provided*, That the said trustees or their successors, shall not contract any debt or debts exceeding twenty dollars, or in any wise incumber the real estate belonging to the congregation, without the consent of a majority of the male members thereof entitled to vote as aforesaid, present at a meeting to be convened for the purpose, by the trustees or a majority of them, of the time and place, of which at least two weeks' notice shall be given by announcement from the pulpit, or in any other public manner: *Provided further*, That the said rules and by-laws and ordinances, and all acts of the said trustees, framed, enacted and promulgated, shall not be contrary to this charter, nor to the constitution and laws of this commonwealth or of the United States.

Seal.

Proviso.

Debts limited.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 163.

AN ACT

To authorize the governor to incorporate a company to erect a bridge over the river Clarion, at or near Callensburg, in the county of Clarion.

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 Henry Alexander, Abraham Frampton, Frederick G. Crary, Samuel F. Dale, Samuel F. Plumer, Paul Neely, J. B. Reynolds and Alexander Wilson, senior, be and they 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 April next, procure one or more books for taking subscription of stock, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company, of the Callensburg bridge company, in the county of Clarion, 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 and places as may be determined by the president and managers, in pursuance of an act of assembly, entitled 'An Act to authorize the governor to incorporate a company to erect a bridge over the river Clarion, at or near Callensburg,

Commissioners.

Form of subscription.

in the county of Clarion.' Witness our hands this day of one thousand eight hundred and forty-five;" and shall thereupon proceed to receive subscriptions for the stock of the said company, at such times and places as they may think proper: *Provided*, That every person so subscribing in his own name, or in the name of any other person, shall previously pay to the attending commissioners two dollars for every share so subscribed, out of which shall be paid the expenses of taking such 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 agreeably to the provisions of this act; such payment to be considered as so much paid on said stock.

Subscriptions.

Proviso.

SECTION 2. As soon as one hundred shares or more 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 in future may subscribe under the provisions of this act, a body corporate or politic, by the name and style of "The president and managers of the Callensburg bridge company, in the county of Clarion," 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, real and personal, as shall be necessary and convenient for them in the prosecution of their work, and the same to sell or dispose of at their pleasure; of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Powers, &c.

SECTION 3. The three first named persons in the letters patent shall, as soon as conveniently may be after the sealing of the same, give notice in one or more newspapers printed in Clarion county, of a time and place by them to be appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize the said company, and shall choose by a majority of votes of said subscribers, by ballot, either in person or by proxy duly authorized, one president, two managers and one treasurer, to conduct the business of said company until the next annual election, as hereinafter regulated; and in case of death, removal or resignation of any president, manager or treasurer, the board of managers shall choose another to supply the vacancy; they may make and have one common seal, and the same may alter or renew at pleasure; and may make such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as shall be necessary for the well ordering of the affairs of the company: *Provided*, That no person shall have more than twenty-five votes at any election; and that every person shall have one vote for every share not exceeding ten shares; and one vote for every three shares over ten, and under twenty; and one vote for every five shares over twenty; and no share shall confer a right of voting, unless it be holden by the person in whose name it appears on the books of the company, absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right, and for the use and benefit of some co-partnership, corporation or society,

Organization.

Vacancy.

Seal.

By-laws.

Proviso.

Votes.

of which he or she may be a member, and not in trust for, and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at any election, unless he or she shall have paid all the instalments called for and then due on their respective shares. Proviso.

SECTION 4. That the public meeting of the said stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them. Annual meetings.

SECTION 5. That the president and managers shall procure certificates 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 stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part the sum due thereon, six 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 the treasurer for the time being, subject however to the payments due or growing due thereon; and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company. Certificates. Transferable.

SECTION 6. That the 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 meetings two members shall form a quorum for the transaction of business, and shall keep minutes of all their transactions, and shall have full power and authority to agree with such engineers, superintendents, or other officers, as they shall think necessary for the erection or construction of said bridge; to fix their wages, or to make contracts for the erection of the same; 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 wages and bills for work or materials, or on account of contract, which orders shall be signed by the president and attested by the secretary; and do and transact all such matters and things as by this act, or by the by-laws of the company, shall be committed to them. Quorum. Engineers, &c. Instalments.

SECTION 7. That if any stockholder, after thirty days' notice in one or more of the newspapers printed in said county, of the time and place for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of three per cent. per month for every delay of such payment; and if the same and the additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may, at the option of the managers, be sold for such amount as can be obtained therefor by any persons willing to buy the same; or said managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction. Penalty for neglect to pay instalments.

SECTION 8. That whenever it shall appear that the said bridge cannot be completed without extending the number of shares, the same shall be extended by said managers, so far as may be necessary to complete the said bridge, which additional shares shall be by them sold, and shall entitle the holders to the same rights and privileges as those originally subscribed. Increase of stock.

SECTION 9. That it may be lawful for the president and managers, and the persons employed by them, to enter upon any lands or enclosures, Entry upon lands for the purpose of locating the said bridge, and to occupy so much of such lands as they may deem necessary for erecting the same; also, they shall have power to make any road or roads from the same, as they may think proper to connect with the nearest public road to the same, paying the owners of such lands a just compensation for the same, and for all damages for injury done thereby; also to search for, procure, and take away all stone, sand, earth, or other materials necessary for constructing or repairing said bridge and roads leading thereto, doing no unnecessary damage, and paying a just compensation for the same; which said compensation or damages, shall be assessed by three persons mutually chosen by the parties, if said parties cannot agree on the same.

Damage.

Tolls, &c.

SECTION 10. When the said bridge is completed, the property of the same, with its appendages, shall be vested in the said company, and their successors, forever, with power to erect a gate or gates, and such buildings as may be necessary for a toll collector; and to demand and receive toll from travellers and others at said bridge, not exceeding the following rates, to wit: For every carriage of whatever description, having either two or four wheels, used for personal accommodation or pleasure, drawn by one horse, eighteen and three-fourth cents, and twelve and one-half cents for each additional horse in the same; for every wagon or cart drawn by one horse, twelve and one-half cents, and six and one-fourth cents for every additional horse drawing the same; for every sleigh or sled drawn by one horse, twelve and one-half cents, and six and one-fourth cents for every additional horse drawing the same; for every horse with a rider, six and one-fourth cents; for every horse without a rider, three cents; for every foot passenger, two cents; for every head of cattle, one cent; for every score of hogs or sheep, ten cents; for every wagon, cart, sleigh or sled drawn by mules or oxen, one mule shall be rated as one horse, and two oxen as one horse; and in no case shall the driver or owner of any horses or cattle, be permitted to lead or drive more than twenty head on the said bridge at the same time: *Provided*, That no tolls shall be demanded from any persons attending funerals, churches or schools, or going to or returning from militia trainings: *Provided also*, That if any person or persons shall wilfully ride, drive, or lead any horse or other animal, 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 the said company, as fines of like amount are by law recoverable.

Proviso.

Contingent fund.

SECTION 11. That the said president and managers shall keep a correct account of all moneys received by them as toll or otherwise, and may reserve such sums or proportion of the clear annual income, as they may think proper to form a contingent fund for the purpose of repairing or rebuilding said bridge, and the same to invest on such security or in such stock as they shall deem safe and productive: *Provided*, That nothing in this act shall be so construed as to prevent said company from contracting with any person or persons desirous of using said bridge, for an annual sum in place of the tolls hereinbefore mentioned, or of renting the said bridge with the proceeds thereof, annually, to any person or persons desirous of renting the same, or to the highest and best bidder for the same.

Proviso.

Oath.

SECTION 12. That it shall be lawful for the managers aforesaid, to cause the toll collector to take and subscribe an oath or affirmation, that he will faithfully conduct himself in his station, and honestly account to the treasurer of the company for all moneys collected by him; and diligently attend to the discharge of his duty, by watching with vigilance over the interests of the company and safety of the bridge.

Penalty for injuring works.

SECTION 13. That if any person shall wilfully pull down, break, or injure any part of said bridge or toll house, or other property of said company, or shall wilfully or maliciously obstruct or impede the passage of said bridge, he, she, or they so offending, shall each of them forfeit and pay for each such offence to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of like amounts are by law recoverable; or if any person shall be guilty of carrying a lighted segar or pipe, or fire in any manner, except in a lantern or other vessel properly secured, he, she, or they so offending, shall forfeit and pay a sum of five dollars, to be recovered as aforesaid: *Provided,* Said suit shall be commenced within twenty days from the commission of such offence; and he or she so offending, shall be liable to actions at the suit of said corporation for such wrongs, if the sum or sums herein mentioned, be not sufficient to repair and satisfy said damages.

Proviso.

Pay.

SECTION 14. That the said president and managers shall, until the completion of said bridge as aforesaid, receive as a compensation for their services, a sum not exceeding one dollar per day severally, for each and every day actually engaged in the transaction of the business of said company; and after the completion as aforesaid, shall receive no compensation for any services rendered said company; and may allow such compensation to their secretary and treasurer as they may deem proper: *Provided,* That after the completion of said bridge, the salary of the treasurer shall not exceed five per cent. on the amount of cash that may come into his hands, and be by him paid over on orders on said managers, or to his successor in office.

Proviso.

Commencement and completion limited.

SECTION 15. That 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 five years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, liberties, and privileges hereby granted to the said company.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

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

FRS. R. SHUNK.