

No. 243.

AN ACT

To relieve canal and railroad companies from penalties for not performing certain acts on the Sabbath day.

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 no part of any act of assembly heretofore passed, shall be construed to require any canal or railroad company to attend their works on the Sabbath days, for the purpose of expediting or aiding the passage of any boat, craft or vehicle along the same; any clause or clauses in their respective charters, imposing a penalty for not aiding boats, crafts or vehicles to pass within a certain time, to the contrary notwithstanding.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 244.

AN ACT

Authorizing the governor to incorporate a company to erect a bridge over the Clarion, in Elk 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 James L. Gillis, George Dickinson, John Cobb, Joseph S. Hyde, James Gallaher and Edward Darby, all of Elk county, or a majority of them, be and 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 June next, provide 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 and managers of the Ridgway bridge company, for erecting a bridge over the Clarion river, at or near the mouth of Elk creek, in the county of Elk, the sum of ten dollars for each and every share of stock in the said company set opposite our respective names, in such manner and pro-

Commissioners.

Form of subscription.

portions, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled 'An Act authorizing the governor to incorporate a company to erect a bridge over the Clarion river, in the county of Elk.' Witness our hands this day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in ten printed advertisements, in Elk county, at least one month, of the times and places where and when the said books shall be open to receive subscriptions; at which times and places some one or more of Subscription. } the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until fifty shares shall be subscribed; and if fifty shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given in some one or more of the newspapers before mentioned: *Provided, always,* That every Proviso. person on entering his name in the said books as a subscriber, shall pay two dollars on each share he shall subscribe, as a fund out of which shall be defrayed the expenses attending the taking of 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, such first payment on each share to be taken and considered as a part payment on each share subscribed.

SECTION 2. As soon as fifty shares shall have been subscribed, the said commissioners, or a majority of them as aforesaid named, 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 Letters patent. constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of the president and managers of the Ridgway bridge company, for erecting a bridge over the Clarion river, at or near the mouth of Elk creek, in the county of Elk, 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 Powers and pri- such enlargement shall be necessary to fulfil the purposes of this act, in vileges. 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 and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. Any ten of the persons named in the letters patent of in- Organization. corporation, shall, as soon as conveniently may be after sealing the same, give notice in ten or more printed advertisements, of a time and place to be appointed, not less than twenty days from the time of issuing said 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 either in person or by proxy, duly authorized, one president, three managers, one person for secretary and treasurer, and such other officers as they may think necessary to conduct the business of the company during one year, and Officers. until other officers be chosen; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution By-laws. and laws of this state or of the United States, as may be necessary for

Proviso.

Votes.

the well ordering the affairs of the company: *Provided always*, That no stockholder shall have more than one vote for each share, not exceeding five shares; and one vote for every two shares above five, and not exceeding eleven; and one vote for every three shares above eleven, and not exceeding twenty; and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

Annual meetings.

SECTION 4. A public meeting of said stockholders shall be held on the first Monday of August next, following the first election had as aforesaid, and on the first Monday of June, 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 interests of said company.

Certificates.

SECTION 5. 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 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, two dollars on each share, which certificates 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 persons to whom such transfer 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.

Transferable.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting two members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, assistants and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills, for work done and labor performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act, or by the by-laws of the company, shall be committed to him.

Quorum.

Engineers,
agents, &c.

Penalty for neglect to pay instalments.

SECTION 7. If any stockholder, after thirty days notice in a printed or written notice of the time and places appointed for the payment of any proportion, dividend or instalment of said capital stock still due on each share, shall neglect to pay the same for the space of thirty days, after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month, for every delay of such payment; and if the same, and the said additional penalties shall remain unpaid so long, that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them at any of their meetings for

transacting the business of the company; the order for that purpose being first entered in the minute book by the clerk, at such meeting.

SECTION 8. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof, as shall be necessary for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers, to apply to the court of common pleas, of Elk county, who, upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being duly sworn or affirmed, faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same; and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken, as aforesaid, and having estimated the advantages, as well as disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such lands, to the said court of common pleas; and the said appraisement having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company having paid to the said owners respectively, the several sums awarded to be paid to them, together with the costs of appraisement, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Purchase of land and assessment of damages.

SECTION 9. The president and managers of said company shall keep fair and just accounts of all moneys received by them from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profits on shares which may be forfeited, as aforesaid, of all voluntary contributions, and of all moneys expended by them in the prosecution of the said work; and shall once in every year submit such accounts, in detail, to a general meeting of the stockholders, until the said bridge be completed; and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said 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 shall be deemed sufficient to accomplish the work; and to demand and receive the moneys subscribed on such shares, in like manner, and under like penalties as are herein provided for the original subscription.

Accounts.

Increase of stock.

SECTION 10. When the Ridgway bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company and their successors and assigns during

and unto the end of forty years, to commence from the time when said bridge shall be completed; and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive tolls as follows, viz: For every foot passenger, four cents; for every carriage or wagon, used for the purpose of agriculture, having four wheels, eight cents for each horse drawing the same; for every carriage, wagon or cart, used for the purpose of agriculture, having two wheels, eight cents for each horse drawing the same; for every carriage used for personal accommodation or pleasure, having four wheels, twenty cents for each horse drawing the same; for every carriage having two wheels, used for personal accommodation or pleasure, twenty cents for each horse drawing the same; for every sleigh or sled, fifteen cents for each horse drawing the same; for every horse, mare or gelding, with or without rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse; and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every head of sheep or swine, two cents: *Provided*, That any person or persons attending funerals, going to or returning from divine worship, elections or military trainings, and students and children attending schools or seminaries of learning, shall at all times be exempted from the payment of any toll: *Provided*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum in place of the toll hereinbefore mentioned: *And provided also*, That the cost of the erection of said bridge shall be filed in the office of the commissioners of Elk county; and the commissioners of said county are hereby authorized to purchase, and the said bridge company are required to sell and deliver up to the said commissioners, the said bridge on the payment of cost and interest; and when so given up to the commissioners of said county, it shall thereafter be a county bridge, and the commissioners of the said county shall keep the same in good repair thereafter.

SECTION 11. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for passing over said bridge than what is hereinbefore prescribed, or shall neglect to keep said bridge in repair, he or they shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one-half whereof to be paid to the overseers of the poor of the township of Ridgway, and the other half to the person who may sue for the same: *Provided always*, That no suit shall be brought in respect of this, unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice in any case brought before him, shall be liable to reversion, either by appeal to the court of common pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

SECTION 12. The said president, managers and company, shall keep a just account of all moneys received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares; first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing or the rebuilding of the said bridge, as time and accident may render

necessary, and shall, on the first week of June of every year, publish the dividend to be made of the clear profits arising from the tolls 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, in ten days thereafter, or as soon as the same shall be demanded.

SECTION 13. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president or managers, to enter in and upon all the lands, tenements and enclosures, for the examination and location, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same; and in case of the refusal to pay the owner of the said material therefor, suit may be sustained and recovery had, in like manner as other debts are now recoverable by law. Power to enter upon lands.

SECTION 14. The commissioners of the county of Elk, and the supervisors of the township of Ridgway, are authorized and empowered to subscribe to the capital stock of said company, such number of shares as they may deem right and proper, in which event the commissioners of said county, or the supervisors of the said township, shall have the right to vote at the elections of said company, under the same provisions as private individuals. Commissioners and supervisors authorized to subscribe stock.

SECTION 15. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll-house, gates, bars, or other property of the said corporation, erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates or tolls, affixed in any place for the information of passengers, 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 every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable; and he, she or they, so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no such suit shall be brought, unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversal, as provided for in similar cases by law. Penalty for injuring work. Proviso.

SECTION 16. The said company shall not have power to issue any note or notes, in the nature of bank notes, or to make discounts, or receive deposits after the manner of any bank or banks, or to do or conduct any other business in the nature of banking business; and in case they should do so contrary to the provisions of this section, then their chartered privileges shall be null and void. Banking.

SECTION 17. If the president, managers and company, for erecting the bridge aforesaid over the Clarion river, shall not proceed to carry on the said work within the space of five years from the passing of this act, and shall not within the space of six years from the passing thereof complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to said company. Commencement and completion limited.

Rates of toll may be lessened. SECTION 18. That the legislature shall have power to alter the rate of tolls fixed by this act, and the managers of said company may lessen the same whenever they shall believe it necessary, for the well being of the company, or the community at large.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 245.

AN ACT

To prevent the hunting of deer with dogs, in the county of Warren.

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 from and after the passage of this act, if any person or persons, in the county of Warren, shall hunt, chase or follow, with any dog or dogs, with the design to kill or destroy any unwounded buck, doe or fawn, within said county, at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they, on being convicted thereof, shall forfeit and pay, for every such offence, the sum of twenty-five dollars, to be sued for and recoverable with costs of suit, before any justice of the peace, in the name of the commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one-half of said fine or penalty shall be paid to the person or persons suing for the same, and the other half to the treasurer of said county, for the use of the county.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.