

VIRGINIA.

MEMORIAL

OF THE

WHEELING BRIDGE COMPANY.

MARCH 12, 1830.

Referred to the Committee on Internal Improvements.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the subscribers, who were appointed managers, by an act of the General Assembly of Virginia, incorporating Noah Zane, and his associates, a company to erect a toll bridge across the Ohio river at or near the town of Wheeling,

RESPECTFULLY REPRESENTS:

That the great increase of travelling on the Cumberland Road requires that the obstructions presented by the Ohio river, be obviated by a bridge. That, with a view of testing the practicability of raising the stock necessary for the erection of such bridge, your memorialists have caused books to be opened, and are now receiving subscriptions. But such is the want of capital in this country, that but few men can spare any considerable sum from his business; and your memorialists are satisfied that, without the aid of the General Government, a sufficient sum for the erection of the proposed bridge cannot be raised, although it is believed that the stock will be productive. The capital stock of the company is fixed by the charter at two hundred thousand dollars. Your memorialists respectfully ask your honorable body to direct a subscription, under the charter of said company, of four thousand shares, which will be one half of the capital stock of the company. Your memorialists are induced to name that number, from the belief that the balance will be as much as they will be able otherwise to dispose of. Besides expediting the transportation of the mail, and greatly facilitating the communication between the East and the West, your memorialists believe that such an investment on the part of the Government, as is above asked for, would be both safe and profitable stock; and, as in duty bound, your memorialists will ever pray.

NOAH ZANE,
ARCHIBALD WOODS,
MOSES SHEPHERD,

SAMUEL SPRIGG,
JAMES BARNES,
J CALDWELL.

WHEELING BRIDGE COMPANY.

[To be annexed to report 349.]

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APRIL 12, 1830.

Ordered to lie on the table.

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ACT OF VIRGINIA.

An act incorporating a company to erect a Toll-bridge over the Ohio River,
at Wheeling.

(Passed February 17, 1816.)

1. *Be it enacted by the General Assembly*, That Noah Zane and his associates, shall be, and are hereby, made a body politic and corporate, for the purpose of erecting a bridge across the Ohio river, at or near the town of Wheeling, and shall be called and known by the name and style of "The Wheeling and Belmont Bridge Company," and as such may sue and be sued, implead and be impleaded, with perpetual succession and a common seal, and generally to do and execute all matters, acts, and things, which a corporation or body corporate, in law, may or can do and lawfully execute.

2. The capital stock of the said Company shall consist of two hundred thousand dollars, which shall be divided into eight thousand shares of twenty-five dollars each, and disposed of in the manner herein provided, by the managers hereinafter named. Books shall be opened for the sale of shares at such times and places, and under the superintendence of such persons, as the managers may direct. Every person who shall subscribe for one or more shares shall thenceforth be deemed a member of the said company. The amount due upon each share shall be paid by the subscribers in gold or silver, or in bank notes circulating currently in the States of Virginia, Pennsylvania, and Ohio. The sum of one per cent. on each share shall be paid to the managers, or such person as they may direct, within thirty days after the time the whole amount of stock shall be subscribed; and the residue of the amount due on each share shall be paid in such instalments, at such times, and to such persons, as the managers for the time being may direct. No one instalment shall exceed two dollars and fifty cents on each share; nor shall any instalment be called for but upon thirty days previous notice, published in some newspaper printed in St. Clairsville or Wheeling, and there shall be at least thirty days between the payment of each instalment. And, on failure or non-payment of the instalments on any share, in the proportions, and at the periods, in which the said managers may require, the said share shall become forfeited to the use of the said company, together with such sum or quotas as may have been paid on account of such share.

3. *Be it further enacted*, That a general meeting of the stockholders shall annually be holden at Wheeling, on the first Monday in June, at which time there shall be elected, from among the stockholders, a board of mana-

gers, consisting of thirteen persons, for the purpose of conducting the affairs of the said company, who shall hold their office until their successors are appointed and organized into a board by the election of a president; and, on the first Saturday next succeeding their election, the said board of managers, or any nine of them, shall meet at their regular place of sitting, and elect one of their number as president, who shall preside in all their deliberations, and subscribe all their proceedings with his name, and shall moreover appoint a clerk, whose duty it shall be to attend all their meetings, and to keep a journal of all their acts and proceedings, which shall at all times be open to the inspection of any member of the Company. Vacancies in the board of managers shall be filled by appointments to be made by the remaining managers, for the time being, and the person or persons elected, shall act as manager, or managers, until the next election.

4. If from any cause a general meeting shall not be held upon the day appointed therefor, it may be held upon any subsequent day which the board of managers, or any seven of them, may appoint. No person shall be eligible as a manager, who is not a citizen of the United States, and a stockholder to the amount of at least ten shares; and the managers shall all reside within the counties of Ohio and Belmont.

5. The election of managers shall be by ballot; and, previous to every election, the Board of Managers shall appoint three stockholders, not being managers, to conduct the election, who shall receive and count the ballots, and declare, in writing, under their hand, the persons elected to serve as managers for the ensuing year.

6. Each Stockholder, holding not more than two shares, shall be entitled to two votes; for every two shares, and not exceeding ten shares, to one vote; for every three shares above ten, and not exceeding thirty, to one vote; for every five shares above sixty, and not exceeding one hundred, one vote; for every six shares above one hundred, one vote. All votes may be given by proxy, but stockholders only shall serve as proxies.

7. The board of managers shall have power to appoint such officers as they may deem proper, for conducting the business and concerns of the company, and may require such security for the performance of their duties, and allow them such compensation for their services, as they may deem reasonable.

8. Any seven of the managers, the president being one, shall form a board for the transaction of business; and, in the absence of the president, the board, consisting of at least nine members, shall appoint a president *pro tempore*, to act during such absence. In case of the death, resignation, or removal of the president, the board of managers may appoint a president to fill the vacancy; and the said board shall have power to remove the president, or other officer, or any member of the board, from office, for neglect or inattention to the affairs of the company, or any other misconduct in office. But no such removal shall be made but by the concurring votes of three-fourths of the whole number of members composing the board.

9. And for the purpose of carrying into effect the intentions and objects of the said company, Archibald Woods, Noah Zane, Samuel Sprigg, Joseph Caldwell, John White, Moses Shepherd, Notley Hays, Benjamin Ruggles, George Paull, James Barnes, and Elijah Wood, are hereby appointed managers of the same, who shall hold their offices until their successors are duly appointed and organized into a board.

10. No contract entered into by the board of managers shall be binding upon the company, unless signed by the president, and countersigned by

the clerk. All obligations entered into in behalf of the company, shall bind their joint funds only, and shall contain an express reservation that the members are not held liable in their individual capacities.

11. The board of managers shall have full power and authority, in behalf of the company, to make all contracts, and employ all persons, necessary to effect the objects of the said company, and shall keep fair and accurate accounts of all their proceedings, which they shall exhibit to the stockholders at their general meeting annually.

12. The funds of the company shall be kept by a treasurer, to be appointed for that purpose by the board of managers; and all moneys belonging to the company, shall be paid over to the treasurer by the board of managers, for which his receipt shall be taken and filed, and the amount shall be charged to him in a book, to be kept for that purpose by the board of managers; and all moneys due from the company shall be paid by the treasurer, upon the order of the board of managers, which order shall be signed by the president, and countersigned by the clerk. The books of the treasurer shall, at all times, be open to the inspection of any member of the company, and at least three months, and oftener, if required, the said treasurer shall exhibit a statement of his account to the inspection of the board of managers.

13. So soon as the said bridge shall be completed, it shall be lawful for the said company to demand and receive the following tolls and rates for passing the same; that is to say: for a man, horse, mule, or work ox, twelve and a half cents; for all riding carriages, wagons, and carts, twenty-five cents per wheel; for every head of neat cattle, six and a quarter cents; and for every sheep, hog, goat, or lamb, two cents, and no more. If the collector of the said tolls shall demand or receive from any person or persons, for passing the said bridge, more than is hereby allowed, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and five dollars, recoverable by warrant before any justice of the peace within this Commonwealth; and in case of his inability to pay, the said company shall be liable to the like fines, recoverable and appropriated in like manner. And any person or persons attempting forcibly to pass the said bridge without paying tolls, or refusing to pay the same after having passed, shall be liable to the like fines, recoverable in the like manner, to the use of the said company.

14. When the said bridge is completed, the board of managers shall appoint a suitable person to collect and account for the tolls; and after defraying all necessary and proper expenses, the said board of managers shall, at the end of every six months, declare the dividend due to each shareholder, which shall be paid by the treasurer, upon the order of the board of managers.

15. The shares of stock in the said company shall be transferable, and transfer shall only be made in the manner which the Board of Managers may prescribe.

16. *Be it further enacted*, That, upon completing the said bridge from either bank of the said river to Zane's Island therein, the said company shall be entitled, and they are hereby authorized to demand and receive half the tolls hereby granted.

17. *Be it further enacted*, That the said Corporation, at every general meeting of the stockholders, shall have power to make and ordain all such by-laws, rules, and regulations, not contrary to the laws and constitutions of

this State or of the United States, as may be necessary for the well ordering the business, officers, and servants thereof.

18. *And be it further enacted,* That the arches of the said bridge shall be erected so high above the usual high floods heretofore known in the said river, as, at all times during such high floods, to admit the safe passage under them of all flat bottomed boats and rafts. And there shall be made, from the abutment next the Virginia shore, a drawbridge at least forty feet wide, which the said company shall at all times attend by their agents or servants, and raise the same free from expense to navigators to permit the safe passage of all such craft or vessels as at any time cannot otherwise safely pass. And at all times during the night good and sufficient lamps shall be lighted and suspended above each end of the said drawbridge on the upper side thereof, for the information of such as may be passing up or down the river in the night season. And if the said company shall fail to comply with all the provisions and conditions in this section contained, so that any person or persons, bodies politic or corporate, shall sustain damage thereby, the said corporation shall be liable therefor, recoverable by action or actions upon the case.

19. *And be it further enacted,* That if the said bridge shall be so constructed as to injure the navigation of the said river, the said bridge shall be treated as a public nuisance, and shall be liable to abatement, upon the same principles, and in the same manner, that other public nuisances are.

20. This act shall be in force so soon as the assent of the Legislature of the State of Ohio to its provisions shall have been obtained.

ACT OF OHIO.

An act giving the assent of this State to the erection of a Toll-bridge across the Ohio river at Wheeling.

Whereas the General Assembly of the Commonwealth of Virginia did, on the 17th day of February, Anno Domini 1816, pass an act, entitled "An act incorporating a company to erect a toll-bridge over the Ohio river at Wheeling," by which act it is provided and declared that the same should be in force so soon as the assent of the Legislature of the State of Ohio to its provisions should be obtained: Therefore,

Be it enacted by the General Assembly of the State of Ohio, That the Wheeling and Belmont Bridge Company be, and they are hereby, recognised and declared to be a body corporate and politic within this State, with all the powers and privileges, and subject to all the restrictions of the act of the General Assembly of the Commonwealth of Virginia, entitled "An act incorporating a company to erect a toll-bridge over the Ohio river at Wheeling," to the provisions of which act the General Assembly of the State of Ohio do hereby assent as fully and completely as if the same were herein particularly recited: *Provided,* The same shall be completed within ten years from and after the passage of this act: *Provided, also,* That it shall at no time be lawful for said company to use their funds for the purpose of banking; and if the said company shall at any time apply any of their funds

to the use or purpose of banking, they shall forfeit all the benefit and privileges conferred by this act.

THOMAS KIRKER,
Speaker of the House of Representatives.
 ABRAHAM SHEPHERD,
Speaker of the Senate.

December 30, 1816.

By an act of the Legislature of Ohio, passed at the late session, the foregoing is revived and continued in force for the term of ten years longer.

In pursuance of an act of the Legislature of Virginia, passed on the 17th day of February, 1816, incorporating Noah Zane and his associates a company to erect a toll bridge across the Ohio river, at or near the town of Wheeling, we, Archibald Woods, Noah Zane, James Barnes, Joseph Caldwell, Notley Hays, Moses Shepherd, and Samuel Sprigg, managers named in said act, having convened in the town of Wheeling, this 26th day of February, 1830, and organized ourselves into a Board of Managers, for the purpose of carrying into effect the objects of the said act of incorporation, and having appointed Noah Zane Chairman, and Morgan Nelson Secretary of the Board: On motion,

Resolved, That it is expedient, forthwith, to offer for sale the stock of the said Bridge Company

Resolved, That M. Nelson, John Goshorn, Thomas Woods, John M'Lure, and T. P. Robinson, act as agents to receive subscriptions for said stock in the town of Wheeling;

That James Caldwell, Steel Smith, William B. Hubbard, and John Patterson, act in like manner at St. Clairsville;

That James Barnes, John Davenport, and B. H. Meckle, act in like manner at Barnesville;

That Joseph Gill, Robert Patterson, William Hamilton, and James Updegraff, act in like manner at Mount Pleasant;

And that Walter B. Beebe, Thomas Bingham, and John Pritchard, act in like manner at Cadiz.

Resolved, That it is expedient to apply by memorial to Congress to take a portion of the stock of said Company; and that Samuel Sprigg, Archibald Woods, and Joseph Caldwell, be a committee to prepare such memorial, and that the same be subscribed by the managers present, and forwarded to our Representatives in Congress.

Resolved, That Philip E. Thomas, Luke Tiernan, John Patterson, Thomas Ellicott, and Talbott Jones, act as agents to receive subscriptions to the stock of the said Company, in the city of Baltimore,

Moses Morehead, Willis Siliman, and E. Buckingham at Zanesville;

And Gustavus Swan, Lincoln Goodale, William Nail, Ralph Osborne, and William Dougherty, at Columbus.

Resolved, That the proceedings of this meeting be signed by the managers present, and countersigned by the Secretary.

NOAH ZANE,
 SAM. SPRIGG,
 JAS. BARNES,
 J. CALDWELL,
 A. WOODS,
 M. SHEPHERD,
 NOTLEY HAYS.

M. NELSON, *Sec'y.*

