

P16080

VIRGINIA—BRIDGE ACROSS THE SHENANDOAH RIVER.

MEMORIAL

OF

INHABITANTS OF LOUDOUN AND JEFFERSON COUNTIES,

Praying Congress the passage of an act authorizing the building of a bridge across the Shenandoah river, at Harper's Ferry.

APRIL 7, 1836.

Referred to the Committee on Roads and Canals.

APRIL 12, 1836.

Bill reported, No. 552.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The undersigned, citizens of the counties of Loudoun and Jefferson, in Virginia, respectfully represent to your honorable bodies, that they, in connection with many other citizens of said counties, are very anxious to build a bridge across the river Shenandoah, at Harper's Ferry, for the purpose of giving them more safe and easy access to the Chesapeake and Ohio canal, and the Baltimore and Ohio rail-road. This consideration alone renders the necessity of a bridge so obvious, that the undersigned will abstain from suggesting any other. The undersigned have obtained from the Legislature of Virginia an act for the purpose, and now pray of Congress, who are the proprietors of the soil on either side of the Shenandoah at Harper's Ferry, the privilege and authority to abut said bridge on their lands, at some suitable place near the mouth of said river, so as not to interfere with the rights and privileges of any private individual, or any existing corporation. The undersigned also ask for ground sufficient to erect a toll-house at one end of said bridge. And your petitioners, as in duty bound, will ever pray, &c. The Virginia act accompanies this petition.

John R. White
Josiah J. Janney
David Orrison
A. P. Fitch
John Thompson
John Clendenning
William Divine

Jas. McIlhoney
Henry Clapper
Cyrus Vanvacter
Albert Osburn
James C. Janney
John Reed
Townsend Heaton

John H. Bennett
 Samuel D. Leslie
 Josiah R. White
 Frederick A. Davisson
 Howson L. Hooe
 Thomas I. Brown
 Tarlton B. Osburn
 John Birkit
 C. H. Dowell
 Thomas Hough
 Samuel P. Thompson
 Benjamin Graves

Asa Brown
 Minor Spates
 Richard Tanonder
 John Jones
 Edw. Sanders
 John Snider
 Wm. Hunt
 Wm. Clendening
 Benjamin Leslie, jr.
 John Birkit, jr.
 Samuel Clendening.

AN ACT to incorporate a company to construct a toll bridge across the Shenandoah river, at Harper's Ferry, passed March 22d, 1836.

Be it enacted by the General Assembly, That it shall be lawful to open books at Harper's Ferry, in the county of Jefferson, under the direction of William Clendening, John Connard, Prisley Wigginton, John G. Wilson, and Joseph L. Russell, or any two of them; and at Hillsborough, in the county of Loudoun, under the direction of James C. Janney, Samuel Clendening, John Jones, John R. White, and John H. Bennett, or any two of them, who may act, on the first day of June next, three weeks' notice thereof being first given in one newspaper published in Charlestown, and one in Leesburg, in the counties aforesaid, for receiving subscriptions to the amount of eight thousand dollars, to be divided into shares of twenty-five dollars each, for the purpose of erecting a toll bridge across the Shenandoah river, at some point at or near the town of Harper's Ferry. So soon as two hundred shares shall have been subscribed, as aforesaid, the said company shall call a general meeting at the town of Harper's Ferry, in the county of Jefferson, notice whereof shall be given as aforesaid; to constitute which, or any general meeting of the stockholders of the said company, the presence of proprietors entitled to a majority of all the votes that could be given by the stockholders, shall be necessary, either in person or by proxy properly authorized; and if a sufficient number do not attend on any day appointed for a general meeting, the proprietors who do attend, may adjourn from time to time until a general meeting be had; and from the time of the said first general meeting, the said subscribers, their heirs and assigns, shall be, and they are hereby, incorporated into a company, by the name and style of the Shenandoah Bridge Company at Harper's Ferry, and by that name shall have perpetual succession, and a common seal, with power and capacity to sue and be sued, plead and be impleaded, in any court of law and equity.

A general meeting of the stockholders shall be held at Harper's Ferry, on the first day of August in each and every year, and shall, in all elections of officers or other questions, be entitled to one vote for each share as far as five shares, and for every five shares thereafter one vote; at which time, and at every annual general meeting thereafter, shall, by a majority of votes, elect five directors, all of whom shall be stockholders, who shall, as soon thereafter as may be, appoint one of their own body as president.

The president and directors shall remain in office one year, when the same, or others, as the case may be, shall be appointed in manner aforesaid.

The said president and directors, or a majority of them, shall have power to make contracts on the part of said company, for any materials or work which they shall judge necessary and proper for constructing said bridge, to sign and settle all contracts, and to transact all the business of the said company as they shall judge proper, during the intervals between the general meetings of the stockholders; and they shall have power to appoint all officers under them, and regulate their salaries; to fill all vacancies which may happen in their body, by death or otherwise; and to make all by-laws and regulations deemed necessary for the good government of said company, not contrary to the laws and constitution of the State, or of the United States; subject, however, to alteration or repeal by the stockholders in general meeting.

The said company shall be, and they are hereby, authorized to call upon the stockholders, from time to time, for such sum or sums of money to be paid on each share, as they may deem necessary, for building or repairing the said bridge and works of the said company, and defraying all necessary expenses of said company in the management of their business; which sum or sums of money, so called for, shall be paid to the president and directors, in such proportions, and at such times, as they shall from time to time require; of all which requisitions, notice shall be given as aforesaid. And if any stockholder shall fail to make any of the payments required as aforesaid, his or their share or shares, shall be sold at public auction by the president and directors, or their duly authorized agent, (twenty days' notice thereof having been given in the most convenient newspaper,) and by them transferred to the purchaser, his, her, or their heirs, or legal representatives; and if the said sale or sales shall not produce a sufficient sum to pay the amount required on the share or shares so sold, after deducting the expenses of said sale or sales, the deficiency shall be paid by the delinquent stockholder; and, in default thereof, the president and directors shall recover the same, by motion, on ten day's previous notice, in any court within this Commonwealth having jurisdiction, or by warrant before a justice of the peace, if below the sum of twenty dollars.

The said president and directors shall cause certificates of the shares of stock held in said company to be made out and delivered to each proprietor, in such form and manner as they shall prescribe. The shares in said company shall be assignable by the respective proprietors, subject to all payments or requisitions due, or to become due thereon: *Provided*, That each assignment shall be in the presence of the president and directors, or a majority of them, or certified by some justice of the peace, and, in either case, recorded in a book to be kept for that purpose by the company.

So soon as the said bridge shall be completed, it shall be lawful for the said president and directors, in behalf of said company, to demand and receive the following tolls for passing the same, that is to say: for a man or other person five cents; and for every horse, mare, mule or work ox, the same; for all riding carriages ten cents per wheel; for wagons, carts and drays, ten cents per wheel: *Provided*, That any wagon, carrying less than one-fourth of a ton, shall only be subject to half tolls; for every head of neat cattle three cents, and for every score of hogs or sheep, fifteen cents, and no more: *Provided also*, That troops in the service of the United

States or of this State, and all expresses sent from either Government, shall be allowed to pass said bridge free of toll.

The president and directors of said company, shall keep an account of all moneys by them received and expended, and shall render distinct accounts thereof to each annual meeting of the stockholders; and so soon as said bridge shall be completed, they shall semi-annually declare and make such dividends of the nett profits, from the tolls herein before granted, as they may not require for keeping the works in repair, to be paid over to the stockholders, in proportion to their respective shares: *Provided*, That the same do not exceed the rate of ten per centum per annum.

The said president and directors are hereby empowered and required, after making such dividends as aforesaid, to apply any surplus of tolls to the repayment of any one or more shares of the capital stock of said company, and so on from time to time, until the whole capital stock of said company shall be refunded or restored to the said stockholders, and for this purpose, the said president and directors shall cause the shares aforesaid to be originally numbered, and their order of repayment determined by lot. And so soon as the whole capital stock shall be returned as aforesaid, the said bridge shall cease to be a joint stock toll bridge, and forever thereafter remain open to the use and benefit of the public, and the said company shall be wholly dissolved: *Provided*, That every right of action under this act, either against said company or in its behalf, shall remain in full force, until the same shall have been legally or otherwise adjusted. Nevertheless, after the said bridge shall have ceased to be a joint stock toll bridge, properly so called, it shall be the duty of the county court of the county of Jefferson, to appoint from time to time, a commissioner to receive such tolls, (not exceeding one fourth of the rates hereby allowed,) as may be sufficient to keep the said bridge in repair, and compensate said commissioner for his services in conducting said repairs; and the said court shall fix the allowance to be made the said commissioner.

If the collector of the toll at said bridge shall demand and receive from any person, greater tolls than are hereby allowed, the said president and directors shall, for every such offence, forfeit and pay to the party aggrieved, the tolls demanded and received, and five dollars, recoverable with costs before any justice of the peace of the county of Jefferson.

The said bridge shall be so constructed, that the navigation be not impeded, or injured thereby, under the penalty of fifty dollars, recoverable in any court of record having jurisdiction thereof, one-half to the informer, and the other half to the Commonwealth, for the use of the literary fund. And the said company shall be liable, from time to time, for a like penalty for every three months during which the obstruction shall continue, to be recovered and applied as aforesaid.

If the said company shall not begin the said bridge within one year, or shall fail to complete the same within two years, after this act shall have received the sanction of the Congress of the United States, who are the proprietors of the land on either side of said river, where it is proposed to abut the said bridge, they shall be deprived of the benefit of this act. If the said company shall fail to keep the said bridge in proper repair for safe passage, for the space of four weeks, they shall forfeit and pay the sum of five dollars for every twenty-four hours it may remain out of repair, and moreover be subject to the party injured thereby for the amount of dam-

ages he, she or they may sustain, recoverable before some justice of the peace, or by action of debt, in any court of record in this Commonwealth having jurisdiction.

This act shall be in force from its passage.

The foregoing is a true copy from the original.

GEORGE W. MUNFORD, *C. H. D.*

March 25, 1836.

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GEORGE W. HUNFORD, C. L. D.

March 25, 1836.