

## CHAPTER LXXVI.

*An ACT authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's Island,) and Wells's Falls, and for other purposes.*

WHEREAS the legislature of the state of New Jersey by an act passed the eighteenth day of February, in the year of our Lord one thousand eight hundred and eleven, entitled, "An act authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's Island,) and Wells's Falls, and for other purposes," have appointed and authorized three commissioners therein named, (together with a like number of commissioners to be appointed by the legislature of this state,) to fix and determine on a site for the erection of a bridge over the river Delaware as aforesaid, and have made provision for incorporating a company for that purpose, with certain powers, privileges and franchises in the said act particularly set forth, to which act the concurrence of the legislature of the commonwealth of Pennsylvania is requested in order that the same may be carried into effect; Therefore,

SECT. I. *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 John Barclay of the Northern Liberties in the county of Philadelphia, Amos Slaymaker of the county of Lancaster, and John Hulme of the county of Bucks, be, and they are hereby appointed commissioners, (together with the commissioners appointed by the legislature of the state of New Jersey as aforesaid,) to fix and determine on a site for the erection of a bridge over the river Delaware, between Black's Eddy above Bull's Island, and Wells's Falls, and that all the power and authority given by the above recited act of the legislature of the state of New Jersey to the commissioners therein named, be, and the same are hereby given to the commissioners appointed by this act.*

SECT. II. *And be it further enacted by the authority aforesaid, That all and singular the power and authority, privileges, franchises and emoluments given by the said recited act of the legislature of New Jersey to the governor of the said state, the supreme court of judicature of the said state, the subscribers and the company to be incorporated by virtue of the said act respectively, be and the same are hereby given in like manner to the governor of this commonwealth to the court of common pleas of the county of Bucks, and the said subscribers and the company to be incorporated by virtue of this act, and that the assent of this commonwealth be and the*

John Barclay and others appointed together with other commissioners to fix the site for erecting a bridge over the Delaware.

Similar powers to those given by the legislature of New Jersey to the governor & supreme court, &c. of that state given to the governor &c. of this state.

same is hereby given to the said recited act of the legislature of the state of New Jersey, and the same is hereby adopted, ratified and confirmed by this commonwealth as fully and amply as if the same had been re-enacted at large, section by section, and the provisions thereof shall be of full force and effect within this commonwealth, and the same shall be annexed to and printed with the laws of this state.

Assent of this commonwealth given to the act of New Jersey legislature.

SECT. III. *And be it further enacted by the authority aforesaid,* That the act entitled, "An act authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware between Howell's and Wells's Falls, and for other purposes," passed the seventh day of March, in the year of our Lord one thousand eight hundred and ten, be, and the same is hereby repealed.

Former act repealed.

JOHN WEBER, *Speaker*  
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-third day of March, one thousand eight hundred and eleven.

SIMON SNYDER.

## State of New Jersey.

An ACT authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's Island,) and Wells's Falls, and for other purposes.

SECT. I *BE it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Isaac Mickle of the county of Gloucester, Jacob Huffly of the county of Salem, and Caleb Newbold of the county of Burlington, be, and they are hereby appointed commissioners together with a like number of commissioners to be appointed by the legislature of the state of Pennsylvania, for the purpose of fixing upon a site for the erection of a bridge, over the river Delaware between Black's Eddy (above Bull's island,) and Wells's falls, and the said commissioners or a majority of them shall be and they are hereby authorized to view such parts of the adjoining country, and such places on the river Delaware as they shall think proper between Black's Eddy (above Bull's island,) and Wells's falls, and a majority of the said commissioners, having so viewed may fix and determine such site whereon the erection of a bridge shall in their opinion best promote the public good, but if a majority of the commissioners above mentioned cannot agree upon any one



and shall thereupon give notice in one or more of the public newspapers printed at Philadelphia, and at Doyle town in the state of Pennsylvania, and at Trenton, in the state of New Jersey, for one calendar month at least, of the times and places in the city of Philadelphia, county of Bucks, and state of New Jersey, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and places some one of the commissioners shall attend and permit all persons who shall offer, to subscribe in the said books, which shall for that purpose be kept open at least six hours in every juridical day for at least three juridical days, if three shall be necessary, and on the first juridical day within the hours aforesaid any person of the age of twenty-one years, shall have liberty to subscribe in his own name or in the name of any person by whom he shall be authorized, for any number not exceeding five shares, on the second day for any number not exceeding ten shares, and on any succeeding day while the books shall remain open, for any number of shares in the said stock; and if at the expiration of the said three first days the said books opened at Philadelphia shall not have three hundred shares therein subscribed, or the books opened in Bucks county shall not have three hundred shares therein subscribed; or the books opened in the state of New Jersey shall not have three hundred shares therein subscribed, the said commissioners respectively may adjourn from time to time until the said number of shares be subscribed, of which adjournment public notice shall be given at each place, and when the said subscriptions in the said books shall amount to the respective numbers aforesaid the same shall be respectively closed; and if before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said books or either of them, then the said commissioners respectively shall apportion the whole number of shares at such respective place among all those who shall have subscribed or offered to subscribe as aforesaid on that day, at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed as will leave every person one or more shares; but if after any of the said books shall have been opened at any of the respective places aforesaid, for the space of one calendar month, the whole number of shares to the said places herein before respectively allotted, shall not have been subscribed, the said book or books may respectively be transferred to any other of the said places, and there kept open as aforesaid, public notice being given thereof at the place whence and whereto the said book or books shall be respectively transferred; *Provided always*, That every person offering to subscribe in the said book or books in his own name or any other name shall previously pay to the at-

tending commissioner or commissioners, five dollars for every share to be subscribed, out of which shall be defrayed the expense of fixing upon the site as aforesaid, of attending, taking of 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, and the officers chosen, as is herein after mentioned.

SECT. III. *And be it enacted*, That when forty persons or more shall have subscribed four hundred shares in the said stock, the said commissioners respectively may, and when the whole number of shares shall be subscribed, shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by or apportioned to each subscriber, to the governor of this state, and shall also certify to the governor the name by which the said company shall choose to be called and known, which latter certificate shall be recorded in the office for recording deeds in the county of Hunterdon, whereupon the governor shall by letters patent under his hand and the seal of the state, create and erect the subscribers, (and if the said subscription be not full at the time, then also those who shall afterwards subscribe, to the numbers aforesaid,) into one body politic and corporate, in deed and in law, by the name style and title so chosen and certified, as aforesaid; and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of purchasing taking and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments, estates real and personal as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. IV. *And be it enacted*, That the nine persons first named in the said letters patent, shall as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed in Philadelphia, and in Doyle town, in the state of Pennsylvania, and in Trenton, in the state of New-Jersey, of a time and place by them to be appointed, not less than thirty days from the time of publishing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, one

treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said company; *Provided always*, That no person shall have more than ten votes at any election or in determining any question arising at such meeting, whatever number of shares he may hold, and that each person shall be entitled to one vote for every share by him held under the said number.

SECT. v. *And be it enacted*, That the said stockholders shall meet on the last Monday in April in every succeeding year, at such place as shall be fixed by the rules and orders of said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and until others shall be chosen.

SECT. VI. *And be it enacted*, That the president and managers first to be chosen as aforesaid, shall procure certificates to be written or printed for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereon, the sum of ten dollars for each share; which certificate shall be transferable at his pleasure, in person or by his attorney, in presence of the president or treasurer, subject however to the payments due and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

SECT. VII. *And be it enacted*, That the said president and managers, at such times and places and being convened in such manner as shall be agreed on for transacting their business at such meeting, five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met they shall have full power and authority to agree with and appoint such engineers, superintendants, artists, and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all monies to pay the salaries or wages of persons by them em-

ployed, and for the materials and labour done and provided, 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 other such acts, matters and things, as by the by-laws, orders and regulations of the company shall be committed to them.

SECT. VIII. *And be it enacted*, That if any stockholder, after thirty days notice in some one of the public newspapers printed at Philadelphia, at Doyle town, and at Trenton aforesaid, respectively of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion for the space of forty days after the time so appointed, every such stockholder or his assignee, shall in addition to the dividend so called for pay after the rate of five per centum per month for every delay of such payment, and if the same and the additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

SECT. IX. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and managers shall begin or proceed to build or erect the same, it shall and may be lawful for the said president and managers to contract and agree with the owner of any ferry whereon the said bridge is intended to be erected, for the purchase of the same, and also with the owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and causeways to and from the same, if they can agree with the said owner and owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the supreme court of judicature of this state, who upon such application are hereby authorized and directed to appoint three discreet, intelligent and disinterested freeholders of this state, who after being duly sworn or affirmed before any justice of the peace faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said ferry and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, ascertain and estimate the value of the said ferry, and the injury and damage which will be sustained by the owners thereof by erecting the said bridge, and also the injury and damage which will be sustained by the owner or owners of said

lands and tenements so necessary to be taken as aforesaid, and having estimated the advantages as well as disadvantages which may be sustained by any owner or owners of such ferries, lands and tenements, shall make an appraisement thereof in writing under their hands and seals, and the same shall return, together with a map describing the metes and bounds of such lands and tenements, to the supreme court next after they shall have agreed upon and signed the same; and the said appraisement having been confirmed by the said court shall be filed in the clerk's office of the said court with the map aforesaid, and the said president and managers and company, having paid to the said owners respectively the several sums awarded to be paid unto them, in and by the said appraisement, together with the costs of the said appraisers, at the rate of two dollars each and for every day employed in the said business, and their necessary expenses, the said corporation shall be entitled to have and to hold, to them and their successors and assigns forever, the said ferry and the said lands and tenements as fully and effectually as if the same had been granted to them by the respective owners thereof, and it shall and may be lawful thereupon, and not before, for the said president and managers to enter upon the said lands and tenements, and to begin the building and erection of the said bridge.

SECT. X. *And be it enacted,* That it shall and may be lawful to and for the president and managers aforesaid, their superintendants, engineers, and artists, of every kind, to enter into and upon all the lands, tenements and enclosures, near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining gravel or sand necessary for the building of the said bridge, and that it shall and may be lawful for the said managers, overseers, superintendants, or any other person employed in building the said bridge, to enter with waggons, carts, sleds or sleighs, or beasts of burthen or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties if they can agree, or if they cannot agree then by appraisement thereof, to be made upon oath or affirmation by three indifferent freeholders of the neighbourhood, or any two of them, to be mutually chosen, or if the owners or managers, superintendants, engineers or artists, upon due notice shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry



away, any stone, gravel, sand or earth, most conveniently situated for making and repairing the said bridge.

SECT. XI. *And be it enacted,* That the president and managers of the said company shall keep fair and just accounts of all the monies received by them from the said commissioners, and from the subscribers to the stock of the said company, and of all penalties for delay in the payment thereof, and of the amount of profits or shares that may be forfeited as aforesaid, and of all voluntary contributions. and also of all monies by them expended in the prosecution of the said work; and shall at least once in every year submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the costs, charges and expenses, for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the capital stock is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and 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 monies subscribed for such shares in like manner and under the like penalties as are herein before provided for the original subscription.

SECT. XII. *And be it enacted,* That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns; and the said company, their successors and assigns, may demand and receive toll from travellers and others, agreeably to the following rates, to wit, for every coach, landau, chariot, phaeton, or other pleasurable carriage, with four wheels, drawn by four horses, the sum of seventy-five cents; and for the same carriages with two horses, the sum of fifty cents; for every wagon with four horses the sum of sixty-three cents; and for every carriage of the same description, drawn by two horses, the sum of fifty cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled with two horses, the sum of thirty-eight cents; and for the same with one horse, the sum of twenty-five cents; for a single horse and rider, the sum of twelve and an half cents; for every led horse or mule, the sum of six cents; for every foot passenger, the sum of three cents; for every head of horned cattle, the sum of three cents; for every sheep and swine the sum of one cent; *Provided always,* That the said bridge shall in no wise injure, stop, or interrupt the navigation of the said river, or prevent boats or

rafts from passing up or down, or boats from crossing, or persons from fording the said river; *Provided also*, That no person shall receive any compensation for ferrying at any ferry which shall have been paid for by the said company.

SECT. XIII. *And be it enacted*, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall cause to be affixed and always kept up at the gates of the said bridge in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded.

SECT. XIV. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break or remove from off the said bridge or any part thereof, any piece or pieces of timber or iron, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials belonging to said bridge, or otherwise voluntarily damage the same, he, she or they so offending shall forfeit and pay for every such offence over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof, with costs of suit to be paid to the treasurer aforesaid and applied to the use of the said company.

SECT. XV. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge shall collect or demand any greater rates or prices for the passing over the said bridge, than what is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one moiety thereof for the use of the poor of the township of Amwell, in the county of Hunterdon, in the state of New Jersey, and of the township of Solebury, in the county of Bucks in the state of Pennsylvania, and the other moiety for the use of the person who may sue for the same; *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed.

SECT. XVI. *And be it enacted*, That the said president, managers and company shall also keep a just and true account of all and every the monies received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing the said bridge, and shall on every first Monday in April and October in every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

SECT. XVII. *And be it enacted,* That nothing in this act shall be deemed taken or construed to authorize or empower the governor to incorporate or empower any person subscribing as aforesaid to do any act matter or thing herein mentioned until such time as the legislature of the commonwealth of Pennsylvania shall by law vest the like power and authority in such subscribers to erect the said bridge, and extend the same from the shore on the west side of the said river across the same to its opposite shore; with as full and ample powers, privileges, franchises and emoluments as to the subscribers are hereby given, and the said subscribers having such authority shall be incorporated as aforesaid, and shall proceed in the said work with all convenient speed, and if the said company shall not proceed to carry on the said work within the space of three years after they shall have been incorporated or shall not within the space of eight years from the passing of this act, complete the said bridge, it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties and privileges hereby granted to the said company.

SECT. XVIII. *And whereas,* The legislature of the state of Pennsylvania have not passed acts to meet and correspond with the acts of the legislature of this state, the one entitled "An act to authorize the governor of this state to incorporate a company for the erection of a bridge over the Delaware river at Mitchell's and Howell's ferry," passed the twenty-seventh day of November one thousand eight hundred and nine, and the other entitled "An act to authorize the governor of this state to incorporate a company for erecting a bridge over the river Delaware at Joseph Lambert's formerly Coryell's ferry," passed the twenty-seventh day of November one thousand eight hundred and nine; Therefore,

*Be it enacted,* That the said recited acts be and they are hereby repealed.

House of Assembly, February eighteenth, one thousand eight hundred and eleven: This re-engrossed bill having been read and compared in this house, *Resolved,* That the same do pass,

By order of the house,

WILLIAM KENNEDY, *Speaker.*

Council Chamber, February eighteenth, one thousand eight hundred and eleven: This re-engrossed bill having been read and compared in council, *Resolved,* That the same do pass.

By order of council.

JOSEPH BLOOMFIELD, *President.*

I James Linn, secretary of the state of New Jersey, do certify the foregoing to be a true copy of a law of the legislature of said state, remaining filed in the office of the said secretary.

Witness my hand at Trenton, the nineteenth day of February, in the year of our Lord one thousand eight hundred and eleven.

JAMES LINN, *Secretary.*

JOSEPH BLOOMFIELD, *Governor of the State of New Jersey.*

To all to whom these presents shall come Greeting.

KNOW YE, That James Linn, whose name is subscribed to the foregoing certificate, was at the time of subscribing the same, and now is secretary in and for the state of New Jersey : Therefore, full faith and credit is and ought to be given to his official acts accordingly. In testimony whereof the great seal of the state of New Jersey is hereunto affixed. Witness the hand of the said governor at Trenton, the twentieth day of February, in the year of our Lord one thousand eight hundred and eleven.

JOSEPH BLOOMFIELD.

By the Governor,

JAMES LINN, *Secretary.*



CHAPTER LXXVII.

An ACT to enable the Governor to incorporate a Company for making an artificial road from the Court House in the borough of York, to end at or near Wolf's tavern in a direction towards Gettysburg.

SECT. I. 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 Jonathan Jessop, Frederick Eichelberger, Peter Hoke, Henry Wolf, Daniel Spangler, Jacob Smyser, John Wyer, William Ness and Philip Frederick, be, and they are hereby appointed commissioners to do and perform the several things herein after mentioned, that is to say, they shall on or before the first Monday of May next, procure two books, and in each of them enter as follows, " We whose names are hereunto subscribed do promise to pay to the president, managers and company of the York western turnpike road, the sum of one hundred 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 of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled, " An act to enable the governor to incorporate a company for making an artificial road from the court house in the borough of York, to

Commissioners named, to open books of subscription within a certain time.

100 dollars price of each share.