

CHAPTER XII.

An ACT authorizing commissioners to fix upon a scite for the erection of a bridge over the river Delaware, between Howells and Wells' falls, and for other purposes.

WHEREAS application has been made to the legislature, for the incorporation of companies to erect bridges over the river Delaware at New-Hope, and at Mitchel's ferry; and whereas granting the respective applications may in consequence of the contiguity of the said ferries, so materially prejudice each other as to frustrate the object of the applicants; and whereas it is desirable that a fair opportunity should be given to ascertain a situation for the erection of a bridge that will best promote the public interest: Therefore,

SECTION 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* Thomas P. Cope, Jacob Summers, and Henry Sheetz, be, and they are hereby appointed commissioners for the purpose of fixing upon a scite for a bridge over the river Delaware, between Howells and Wells' falls, and as soon as the legislature of New-Jersey shall appoint an equal number of commissioners for that purpose, 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 Howells and Wells' falls, and a majority of the said commissioners having so viewed, may fix and determine such scite 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 scite, then, in that case, they or a majority of them may nominate and appoint one other person in addition to their number, as an umpire whereupon the commissioners aforesaid, and such person by them so appointed, or a majority of them, shall proceed to view the said river and adjoining country, as aforesaid, and they or a majority of them may thereupon determine and fix a scite for a bridge as aforesaid.

SECT. II. *And be it further enacted by the authority aforesaid, That as soon as the scite for the said bridge shall have been fixed upon, the commissioners appointed for that purpose shall proceed to name fourteen persons, seven of whom shall reside in the state of New-Jersey, and seven in the state of Pennsylvania, for the purpose of receiving subscriptions to the stock of the company hereinafter incorporated, who are hereby authorized to do and perform the several duties hereinafter mentioned: that is to say, They shall and may on or before the first day of July, one thousand eight hundred and twelve, procure at least three books, and therein enter as follows, "We whose names*

Commissioners appointed.

Who shall in conjunction with the Jersey commissioners, fix upon a scite.

Proceedings when the commissioners disagree.

How commissioners to receive subscriptions for stock shall be appointed.

Their duties.

are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the river Delaware, between Howells and Wells' falls, the sum of fifty dollars for every share of stock in said company, set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers in pursuance of an act of the general assembly, entitled "An act authorizing commissioners to fix a scite for the erection of a bridge over the Delaware, between Howells and Wells' falls, and for other purposes:" Witness our hands the

day of _____ in the year of our Lord, one thousand eight hundred and _____ and shall thereupon give notice Notice to be given, when and where the books are to be opened. in one of the public newspapers printed at Philadelphia, one of the public newspapers printed in Bucks county, and in one of the public newspapers printed 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 one share; on the second day for two shares; on the third day for one, two or three 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 four hundred shares therein subscribed, or the books opened in Bucks county shall not have four hundred shares therein subscribed; or the books opened in the state of New-Jersey, shall not have four 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 One of the commissioners to attend. 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 subscription shall be declared to be full, application shall be made to subscribe Who may 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 If the books be not filled, the commissioners may adjourn. Of which notice shall be given. shares than one such proportion of the shares by them respec- In case of excess the number of shares to be apportioned.

The books
may be trans-
ferred.

§ 5 to be
paid on sub-
scribing.
How appro-
priated.

When 50
persons or
more shall
have sub-
scribed 500
shares, the
commission-
ers to certify
to the gover-
nor.
Who shall
erect the
subscribers
into a body
politic.
Name and
style of.
Powers of
the corpora-
tion.

tively 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 two calendar months, the whole number of shares to the said places herein before respectively allotted, shall not have been subscribed, the said book or books may be respectively 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 attending commissioner or commissioners, five dollars for every share to be subscribed, out of which shall be defrayed the expence of fixing upon the scite 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 officer chosen, as is hereinafter mentioned.

SECT. III. *And be it further enacted by the authority aforesaid*, That when fifty persons, or more, shall have subscribed five 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 commonwealth; who thereupon 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 of "The President, Managers and Company for the erecting a bridge over the river Delaware, between Howell's and Wells' falls," 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 further enacted by the authority aforesaid*,

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 of the public newspapers in Philadelphia in one of the public newspapers in Bucks county, and in one of the public newspapers of the state of New-Jersey, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first 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 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 laws of this commonwealth, as shall be necessary for the well-ordering the affairs of said company. *Provided always,* That no person shall have more than ten votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

The first named 9 persons in the letters patent to give notice in certain papers.

Corporation to be organized. And officers chosen.

No person to have more than 10 votes.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said stockholders shall meet on the last Monday in April, every succeeding year, 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.

Stockholders to meet annually on the last Monday in April.

SECT. VI. *And be it further enacted by the authority aforesaid,* 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 the 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.

President & managers to procure certificates, to be given to subscribers on paying ten dollars each.

Which certificates shall be transferable.

Privileges of the assignee.

SECT. VII. *And be it further enacted by the authority aforesaid,* 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 meetings, five members shall be

5 members

to be a quorum.

Transactions of the corporation to be entered in a book.

Power and duties of the president & managers.

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 of persons by them employed, 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.

Stockholders neglecting to pay installments shall forfeit, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days' notice in some one of the public newspapers printed at Philadelphia, in Bucks county, and in New-Jersey respectively, of the time and place appointed for the payment of any portion of dividend of the said capital stock, shall neglect to pay such portion at the time appointed, 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.

Powers of the president, managers, superintendants, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* 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 inclosures 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 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, to be made as

Compensation to be made for any damage committed. How ascertained.

Herein after directed, 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. X. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, 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 encrease the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and to receive the monies subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided, for the original subscription.

Account of monies to be kept.

The number of shares may be extended.

SECT. XI. *And be it further enacted by the authority aforesaid,* 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 for ever, 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 waggon with four horses, the sum of sixty-seven cents; and for every carriage of the same description

Property of the bridge vested in the company.

Rates of toll.

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 a 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 half a cent: *Provided always*, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent 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.

The navigation of the river not to be interrupted.

Proviso.

Two oxen equal to one horse.

SECT. XII. *And be it further enacted by the authority aforesaid*, 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.

Penalty on injuring said bridge.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to, or a part of the said bridge or breakers, or shall remove any piece or pieces of timber, or plank or planks, from off, or any stone or stones, or other materials belonging to said bridge, breakers, 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 or breakers, the sum of thirty dollars, to be recovered in the same manner as debts under one hundred dollars are recovered, with costs of suit, to be paid to the treasurer aforesaid, and applied to the use of the said company.

Penalty on exacting illegal tolls, or suffering the bridge to be out of repair.

SECT. XIV. *And be it further enacted by the authority aforesaid*, 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 New-Jersey, and of the township of Solebury, in the county of Bucks, in 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.

No suit to be brought after 30 days.

Account of the receipt of tolls to be kept.

SECT. XV. *And be it further enacted by the authority aforesaid*, 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, of every year, publish the dividend, to be made of the said clear profits thereof amongst 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.

And dividend to be declared.

Dividend to be published.

SECT. XVI. *And be it further enacted by the authority aforesaid,* 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 of the said bridge, 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 court of common pleas of the county of Bucks, who, upon such application, are hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duty 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 the said bridge, and shall, according to the best of their skill and judgments, ascertain and estimate the value of said ferry, and the injury and damage which will be sustained by the owner thereof, by the erecting of 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, 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 court of common pleas, 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 president and managers 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

The president and managers to purchase any ferry where the bridge is to be erected.

And in case of disagreement to apply to the court of common pleas. Who shall appoint three appraisers.

Duties of.

Compensation to.

said appraisers, at the rate of two dollars each, and for every day employed in the said business, and their necessary expense; the said corporation shall be entitled to have and to hold to them and their successors and assigns for ever, 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.

The governor not to issue letters patent until the legislature of New-Jersey shall pass a similar law.

SECT. XVII. *And be it further enacted by the authority aforesaid,* 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 state of New-Jersey 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, in Solebury township, 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 seven years, from the passing of this act, 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.

Within what time the bridge shall be begun and completed.

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

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

APPROVED—the seventh day of March, one thousand eight hundred and ten.

SIMON SNYDER.

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CHAPTER XLII.

An ACT for the benefit of the heirs of John Taylor, deceased.

V HEREAS it hath been represented to the legislature by the petition of Rebecca Miller, that John Taylor, deceased, (the father of the petitioner) did in his lifetime, by indenture bearing date the thirty-first day of October, in the year of our Lord, one thousand eight hundred, grant and confirm unto Benjamin Rue, his heirs and assigns, a piece or parcel of land situate in the township of Tinicum, and county of Delaware,