

shall proceed to perform the said service at such time or times as the governor shall direct; and they shall deposit a copy of said draft in the office of the clerk of the court of quarter sessions in each county through which said road shall pass, together with the width of said road, and the clerk shall enter the same on the records respectively which shall be a record of said road and shall from thenceforth be a public highway to all intents and purposes, and shall be kept in repair as roads laid out by the courts of quarter sessions are in the counties aforesaid; and that the road heretofore laid out by the commissioners in pursuance of the act to which this is a supplement be vacated and every part thereof be null and void; and the said commissioners and those employed by them for the purpose aforesaid, shall have and receive for their service the same compensation as is allowed by the second section of the act to which this is a supplement, and be paid in manner as is therein directed.

To direct when they shall proceed.

Draft of the road to be deposited with the clerk of the sessions in the proper counties.

Road to be kept in repair in the usual manner.

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

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

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

SIMON SNYDER.

CHAPTER XC.

An ACT to authorize and direct the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near where the floating bridge of Abraham Sheridan is at present situate, known by the name of, "The Upper Ferry," in the county of Philadelphia.

SECT. 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 Samuel Richards, Philip Wager, John Britton, jun. Cadwallader Evans, and Abraham Sheridan, be and they 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, procure a book or books, and therein enter as follows, "We whose names are hereunto subscribed, do promise to pay to the treasurer of the company for erecting a permanent bridge over the river Schuylkill as aforesaid, for the use of the said company, the sum of fifty dollars for each share of stock set opposite to our respective names by us subscribed, in such manner and proportion, and at such times as shall be determined on by the president and managers of said company, in pursuance of an act of the general assembly, en-*

Commissioners appointed to open books of subscription.

Shares 50 dollars each.

titled, "An act to authorize and direct the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill at or near where the floating bridge of Abraham Sheridan is at present situate, known by the name of the upper ferry, in the county of Philadelphia." Witness our hands this

day of _____ one thousand eight hundred and _____

and " and shall thereupon give notice in three newspapers printed at Philadelphia, one whereof shall be in the German language, for one calendar month at least, of the times and places when and where the said book or books shall be opened to receive subscriptions for the stock of said company, at which respective times and places some one of the said commissioners shall attend respectively, and shall open said book or books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any person or persons by whom he shall be authorized so to do, on the first of said days within the hours aforesaid, for one share; on the second day for one or two shares; on the third, for one two or three shares, and on any succeeding day while the said book or 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 book or books opened as aforesaid shall not have eight hundred shares subscribed therein, the said commissioners may adjourn to such times and places as they shall think necessary, of which adjournment public notice shall be given, and when the subscriptions shall amount to eight hundred shares as aforesaid, the same shall be closed, and if before said subscription shall be declared to be full, application shall be made to subscribe more shares than will fill said book or books, then the said commissioners shall apportion the whole number of shares among all those who shall have subscribed or offer to subscribe as aforesaid, on that day, by deducting from the subscribers if more shares than one, such proportion of shares by them respectively subscribed as will leave every person one or more shares; *Provided always*, That every person offering to subscribe in the said book or books in his own name or in that of any other person shall previously thereto pay to the attending commissioner or commissioners, five dollars for every share so to be subscribed, out of which monies shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over by the said commissioners to the treasurer of the corporation as soon as the same shall be organized and the officers thereof chosen as is hereinafter directed.

Notice to be given of the time and place of opening the books.

Who may subscribe.

Power to adjourn and transfer books.

When to be closed.

How shares to be apportioned in certain cases.

Provide.

5 dollars to be paid on each share at subscribing.

Company to be incorporated, when all the shares are subscribed.

SECT. II. *And be it further enacted by the authority aforesaid*, That the said commissioners, when the whole number of shares shall have been 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, and thereupon it shall be the duty of the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of, "The managers and company for erecting a permanent bridge over the river Schuylkill, at or near where the floating bridge is at present situate and known by the name of the upper ferry," 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 by new subscriptions in such manner and form as they may think proper if such enlargement shall 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, estate, 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.

Style of corporation.

Their powers and privileges.

May enlarge their stock.

SECT. III. *And be it further enacted by the authority aforesaid,* That the five persons first named in the said letters patent shall as soon as conveniently may be after the same have been sealed, give notice in two or more public newspapers printed at Philadelphia, one whereof shall be in the German language, of the time and place by them to be appointed, not less than one calendar month 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 said subscribers by ballot, to be delivered in person, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of said company until other officers shall be lawfully chosen, and make such by-laws, rules, orders and regulations, not inconsistent with the laws of the United States, or of this State, as shall be found necessary for the well ordering of the affairs of said company; *Provided always,* That no person shall have more than five votes at any election or in determining any question arising at such meetings, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share under five.

Notice to be given of the time and place of organizing the company.

What officers to be chosen, by ballot.

Company empowered to make by-laws, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said stockholders shall meet on the first Monday in January next, following the organization of said company, and on the first Monday in January in every succeeding year, in such

The time of meetings of the stockholders.

place as shall be fixed on by the rules and orders of the said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year.

Certificates of stock to be signed by president and treasurer, and sealed.

SECT. v. *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 stock of the said company, and shall deliver one of such certificates, 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 or her subscribed and held, he or she 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 or her pleasure, in person or by attorney, in presence of the president or treasurer, subject however to the payments due or that may become 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 said corporation, and for every certificate by him or her held shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

10 dollars to be paid on each share.

Manner of transfers.

Five members to constitute a quorum.

SECT. vi. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business at such meetings, 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 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 of the said bridge, to draw orders on the treasurer for all monies, to pay the expense accruing on the erection of said bridge, which 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 matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

To appoint engineers, &c.

Fix salaries and wages.

Draw orders on the treasurer, &c.

In the absence of president, orders to be signed by a majority of a quorum and clerk.

Penalty for neglect of paying the proportion of stock called for.

SECT. vii. *And be it further enacted by the authority aforesaid,* That if any stockholder after thirty days notice given in one or more newspapers printed at Philadelphia, of the time and place appointed for the payment of any proportion or dividend of said capital stock, shall neglect to pay such proportion at the time appointed, for forty days thereafter the time so appointed, every such stockholder or his assignee shall, in addition to the propor-

tion so called for, pay at the rate of four per centum per month, for every delay of such payment, after the expiration of said forty days; and if the same and the said additional penalties shall remain unpaid for such a 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.

In what case the said stock to be forfeited, and sold.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the president and managers of said company shall keep fair and just accounts of all monies received by them from the commissioners aforesaid, and from the subscribers to the capital stock of said company, and for all penalties for delay in payment thereof, and of the amount of profit on shares which may be forfeited as aforesaid, and of all voluntary contributions, and also of all monies expended by them in the prosecution of the said work; and shall, at least 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 upon such liquidation, or whenever the whole capital stock of the company shall 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 monies subscribed on such shares, in like manner and under like penalties as are herein before provided for the original subscription; and if on the said bridge being completed, it shall be found that more monies remain in the hands of the treasurer than are necessary for the payment of all expenses incurred in erecting said bridge, the surplus shall be expended by the president and managers in the improvement of the roads leading thereto.

President and managers to keep fair and just accounts of all monies received and expended, and submit the same annually to the stockholders.

In what case the number of shares may be increased.

Surplus, if any, to be appropriated to the improvement of certain roads.

SECT. IX. *And be it further enacted by the authority aforesaid,* That when a good and complete bridge shall be erected at the place aforesaid by said company at least thirty feet wide, with a good and sufficient railing on each side, the property thereof shall be vested in the said company and their successors during and unto the end of twenty-five years, to commence from the time the bridge is completed; and the said company and their successors may demand and receive toll from travellers and others agreeably to the following rates, a list of which shall be placed near said bridge for the information of passengers, to wit; for every coach, landau, phaeton, or other pleasurable carriage,

Bridge to be 30 feet wide, and when completed vested in the company and their successors.

Rate of toll to be received.

with four wheels drawn by four horses, twenty cents; and so in proportion for more horses added; and for the same carriages with two horses, twelve cents; for every loaded waggon with four horses, seventeen cents; for every carriage of the same description with two horses, twelve cents; for every chaise, riding chair, sulky, cart, or other two-wheeled carriage, or a sleigh or sled with two horses, ten cents; and so in proportion for more horses added; and for the same with one horse, six cents; for a single horse or mule, and rider, two cents; for every horse or mule without a rider, one cent; for every foot passenger, one cent; for every head of horned cattle, one cent; for every live sheep or swine, half a cent; but the said tolls shall be from time to time so regulated that no more than three-fourths of the tolls demandable in other cases, shall be taken for the transportation of the produce of the country, and for those laden with manure, half toll; empty carriages of burthen to pass for half toll; and a proportion of the foregoing tolls to be added to the sums chargeable for carriages of burthen laden with more than two tons; wood and stone not to be considered as loading entitling carriages to a diminution of toll, nor any carriage drawn by more than six horses or oxen to be entitled to pass over said bridge; *Provided always*, That no toll shall be taken from any person attending funerals, or walking in military procession or from persons belonging to the militia, in going to or returning from muster on days of training; and that in charging toll on all carriages drawn wholly or in part by oxen, two oxen shall be estimated as equal to one horse; *And* *provided further*, That nothing in this act contained shall extend to authorize the said company to erect said bridge without the consent of the owners of the ground on each side of and contiguous to the river, or to erect the same in such manner as to injure, stop or intercept, the navigation of the said river by boats, rafts, or other vessels without masts.

Provido,

Further proviso.

When the tolls exceed 9 per cent. surplus to be applied to repairing the roads leading to the bridge for 25 years.

And then to be applied to the redemption of the bridge.

SECT. X. *And be it further enacted by the authority aforesaid*, That whenever the tolls received for passing over said bridge shall exceed nine per cent. nett annual profits on the capital stock of said company, the excess shall be expended by said president and managers in improving the roads leading to said bridge until the full term of twenty-five years from the time of the completion thereof; and at the end of the said term of twenty-five years all the surplus above nine per cent. per annum shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock as the money arising from said overplus as aforesaid shall be found adequate to purchase, after deducting the amount necessary for repairs therefrom, until all the said shares shall be so purchased, and the said subscribers shall determine by lot from time to time whose share or shares shall be paid off by the money arising as

aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share, and when the whole number of shares shall be purchased as aforesaid, then the said bridge shall be free except as to a small toll to keep the same in repair; *Provided*, That the legislature may at the end of twenty-five years, declare it a free bridge, providing at the same time means for keeping it in repair, and the company shall be obliged to take such sum of money as shall be allowed on a fair appraisement by twelve disinterested persons, to be appointed by the court of the proper county, and to be sworn or affirmed to perform the same impartially, and the said company shall continue to hold said bridge on the terms of this act, until the same shall be redeemed and paid for in the manner herein directed.

Proviso.

SECT. XI. *And be it further enacted by the authority aforesaid*, That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what are herein before prescribed and specified, or shall neglect to keep the same in good repair, or keep a list of tolls placed near the said bridge on ten days notice given by or from any justice of the peace of the county of Philadelphia, they so offending shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the poor of the county in which the suit may be brought, and the other moiety for the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after such offence shall have been committed.

Penalty for exacting illegal tolls.

And to be applied to the use of the poor!

SECT. XII. *And be it further enacted by the authority aforesaid*, That the president and managers shall also keep a just and true account of all monies received as tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders, deducting first therefrom contingent costs and charges, and shall on the first Monday in January or July of every year, publish the dividend to be made of the said clear profits thereof amongst 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.

Account to be kept of the amount of tolls received. Dividends to be made annually on the first Monday of January or July.

Publish the dividends to be made, and when and where to be paid.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the said president and managers shall at the end of or within three years from the date of their incorporation, and within every three years thereafter, lay before the general assembly of this commonwealth an abstract of their accounts, shewing the whole capital expended in the prosecution of said work and of the income and profits arising from said bridge for and during the said respective periods, together with an exact account of the costs and charges of keeping said bridge in repair,

At the end of 21 years lay their accounts before the legislature.

and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained.

Work to commence within two and completed within five years.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within the space of two years after they have been incorporated, or shall not within the space of five 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.

Penalty for wantonly injuring the bridge,

SECT. XV. *And be it further enacted by the authority aforesaid,* That 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 appurtenant to or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully and without the consent and orders of said corporation, or any person or persons authorized by them, deface or destroy the letters or figures or other characters in any written or printed list of the rates or tolls, affixed in any place or places for the information of passengers, and others, or who shall wilfully and 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 said corporation, the sum of twenty dollars, to be sued for and recovered on conviction before any justice of the peace as debts of like amount are recoverable; but no suit shall be brought unless commenced within thirty days after such offence shall have been committed, 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 the suit last herein mentioned shall not be brought unless within thirty days after such conviction had before any justice of the peace as aforesaid.

or wilfully obstructing the passage.

How penalties recoverable.

Time of commencing suit limited.

Proviso.

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

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

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

SIMON SNYDER.