

the satisfaction of the court of common pleas of said county, that such parole contracts were made and in part executed, either by possession having been given to the purchaser, or where the payment of a part or the whole of the purchase money was made to the said William Hoge, in his life time, reserving to the said executors, and to the devisees of the said William Hoge, deceased, or either of them, the right to contest, before the said court, the existence or legal operation of such alledged contracts as they may consider ought not, in justice and equity, to be carried into execution; and the said court of common pleas is hereby authorized to decide in the premises, between the parties, in all cases which shall be submitted for their determination and decision: *Provided*, That <sup>Proviso.</sup> the said executors shall not be authorized or permitted to execute any deed for any lot contracted for as aforesaid, until the purchase money therefor shall be fully paid.

SECT. II. *And be it further enacted by the authority aforesaid*, That the administrators to the estate of Samuel Miller, late of Mount Pleasant township, in the county of Washington, deceased, or the survivors of them, be, and they hereby are authorized and empowered to convey any or all the lots of land sold by him at public sale, or otherwise, to the persons respectively, or their heirs or assigns, who purchased the same in the life time of the said Samuel Miller, either at the public sale of town lots by him made, or at private sale, agreeably to the conditions of the contract, and possession of which had been by him given, or on which the purchase money, in part or in the whole, had been paid to him, the said Samuel Miller, although no writing had been entered into by the parties previous to the decease of the said Samuel Miller: *Provided*, That nothing herein contained, shall be so construed as <sup>Proviso.</sup> to injure or affect the rights of other persons: *And provided also*, That the said administrators shall not be authorized or permitted to execute any deed for any lot contracted for as aforesaid, until the purchase money therefor shall be fully paid.

JACOB HOLGATE, *Speaker*  
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eleventh day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

## CHAPTER LXXVIII.

ACT to authorize the governor to incorporate a company to erect a bridge over the river Schuylkill, opposite the borough of Pottstown, in the county of Montgomery.

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*

**Commissioners names.** John Rhinehart, William Shuler, David Potts, John Heister, junior, John Ditlow, Thomas Baird, Rudolph Stauffer, of the county of Chester, David Rutter, Jacob Leshner, George Leaff, Thomas P. May, John Heister, Jesse Ives, Samuel Baird, of the county of Montgomery, 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, opposite the borough of Pottstown, for the use of 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 by the president and managers, in pursuance of an act of the general assembly, entitled "An act to authorize the governor to incorporate a company to erect a bridge over the river Schuylkill, opposite the borough of Pottstown, in the county of Montgomery." Witness our hands, this            day of            one thousand eight hundred and            ."

**Duty of.** And shall, thereupon, give notice in one newspaper printed in the borough of Norristown, and one in the county of Chester, 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 the said company, at which respective times and places some one of the said commissioners shall attend, respectively, and shall keep 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, for any number of shares in the said stock, until four hundred shares shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, 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 four hundred shares as aforesaid, the books shall be closed: *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, at the time of subscribing, pay to the attending commissioner or commissioners, five dollars for every share so subscribed, out of which monies shall be defrayed the expenses attending the taking of such subscriptions, 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.

**Books to be opened.**            .

**Proviso.**            .

**When the governor may issue letters patent.**            .

SECT. II. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, when two hundred 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 and may be lawful for the governor, by letters patent under his hand and the seal of the state,

to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, <sup>Style of the</sup> Managers and Company of the Schuylkill Bridge at Pottstown," <sup>company.</sup> 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.

SECT. III. *And be it further enacted by the authority aforesaid,* That the six persons first named in the said letters patent, shall, as soon as conveniently may be, after the same have been sealed, give notice in at least one newspaper printed in the borough of Norristown, and one in the county of Chester, of the time and place by them to be appointed, not less than one calendar month <sup>Organization</sup> from the time of issuing the first notice, at which time and place <sup>of the com-</sup> the said subscribers shall proceed to organize the said corporation, <sup>pany.</sup> and shall choose, by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy, one president and six managers, and one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed, and make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well-ordering of the affairs of the said company: *Provided always,* <sup>That</sup> <sup>Proviso.</sup> 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 under ten.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said stockholders shall meet on the third Monday in <sup>Officers to be</sup> April next following the organization of said company, and on the <sup>chosen.</sup> third Monday in April in every succeeding year, at such 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.

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 <sup>Certificates</sup> shares of stock of the said company, and shall deliver one of such <sup>of stock.</sup> 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 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 attorney, in presence of the president or treasurer, subject, however, to the payments due, or 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 said corporation, and for every certificate by him 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.

**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 of a quorum 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 bye-laws, orders and regulations of the company shall be committed to them.

Powers of.

**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, one in Chester county, and in one at Norristown, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay at the rate of four per centum per month for every delay of such payment; 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 be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or in any court of competent jurisdiction.

Of the payment of instalments.

**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 the 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,

Account of monies received.

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 said 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 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.

When the number of shares may be increased.

SECT. IX. *And be it further enacted by the authority aforesaid,* That when a complete bridge shall be erected at the place aforesaid, by said company, at least twenty-one feet wide in the clear, the arch of which over the main channel if the river shall be at least one hundred and fifty feet in the clear, with a sufficient railing on each side, the property thereof shall be vested in the said company and their successors; 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:

The bridge to be vested in said company.

For every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty cents, and so for a greater or lesser number; for every horse or mule, three cents; for every horse and rider, four cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twenty cents; for either of the aforesaid carriages, with four horses, thirty-one cents; and for every other carriage of pleasure, under whatever names, the like sum according to the number of wheels and of the horses drawing the same; for every stage waggon with two horses, eighteen cents; for every such waggon drawn by four horses, twenty-eight cents; for every sleigh, six and a quarter cents for each horse drawing the same; for every sled, four cents for each horse drawing the same; for every waggon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse; nor shall any carriage or waggon drawn by more than six horses or oxen be entitled to pass over the 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, nor going to or returning from public worship, nor children going to or returning from school: *And provided also,* That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum in lieu of the toll herein before mentioned.

Rates of toll.

Provided.

SECT. X. *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

Penalty for  
demanding  
illegal 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 toll placed near the said bridge, on ten days notice given by or from any justice of the peace in the county of Montgomery or Chester, 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 the offence shall have been committed.

SECT. XI. *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 toll for crossing said bridge, and of dividends. shall make and declare a dividend of the profits and income, therefrom deducting contingent costs and charges, and shall, on the fourth Monday in December and June of every year, publish the dividend to be made of the said clear profits thereof, amongst the stockholders, and of the times and places when and where the same shall be paid, and shall cause it to be paid accordingly.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the president and managers shall, at the end of every five years after the said bridge shall be completed so far as to entitle them to receive toll, and at the end of every five years thereafter, lay before the general assembly of this commonwealth, an abstract of their accounts, showing 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 period, together with an exact account of the costs and charges of keeping said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profit thereof may be ascertained, and if at the end of any of the said quintennial periods, it shall be found that the nett proceeds shall be more than twelve per cent. on the money expended in erecting the said bridge, then the tolls shall be reduced proportionably, so that the nett proceeds shall not exceed twelve per cent. per annum.

SECT. XIII. *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 thereafter, 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.

SECT. XIV. *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 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 deface or destroy the letters or figures or other characters, in any written or printed list of the rates of toll, affixed in any place or places for the information of passen-

Accounts to  
be laid before  
the legisla-  
ture.

When the  
rights of the  
company  
shall be for-  
feited.

gers and others, or who shall wilfully or 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 for-<sup>Penalty for</sup> destroying  
 feit and pay for every such offence, to said corporation, the sum of any part of  
 twenty dollars, to be recovered, on conviction, before any justice of said bridge.  
 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 be brought within thirty days <sup>Proviso.</sup>  
 after such conviction had before any justice of the peace as aforesaid, and not otherwise.

JACOB HOLGATE, *Speaker*  
*of the House of Representatives.*

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eleventh day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

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CHAPTER LXXIX.

An ACT to extend the boundaries of Lycoming county.

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 from and after the first day of May next, the township of Washington, in the county of Union, be, and the same is hereby annexed to the county of Lycoming, and shall be part of the same; and the said township of Washington, in the county of Union, shall be also annexed, for all township purposes, to the township of Washington, in the county of Lycoming, and shall elect with the electors of the said township of Washington, in Lycoming county.*

JACOB HOLGATE, *Speaker*  
*of the House of Representatives.*

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eleventh day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.