

SECT. IV. *And be it further enacted by the authority aforesaid*, That the accounts for materials delivered, or services performed, shall be presented to the person so employed, who, if he approve thereof, shall certify the same to the accountant department, and if approved by the officers therein, shall be paid by the state treasurer in the usual manner, to the person or persons, or their order, who shall furnish the materials or perform the services. Accounts, how adjusted and paid.

SECT. V. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the secretary of the commonwealth, to cause the public ground to be levelled and improved in a suitable manner, and the same to be enclosed with a good fence, for which purposes a sum not exceeding one thousand dollars is hereby appropriated, to be paid in the manner prescribed in the fourth section of this act, on accounts certified by the secretary of the commonwealth. Secretary to cause public ground to be levelled and enclosed.

SECT. VI. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the secretary of the commonwealth, on or before the third Tuesday of January next, to report to the legislature an account of the materials purchased and delivered. Report to be made to legislature of materials purchased.

REES HILL, *Speaker*  
of the *House of Representatives*.

JOHN TOD, *Speaker of the Senate*.

APPROVED—the eighteenth day of March, one thousand eight hundred and sixteen,

SIMON SNYDER.

### CHAPTER CIII.

AN ACT to authorise the governor to incorporate a company for erecting a permanent bridge over the river Delaware at Stockport, in Wayne county.

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 Samuel Preston, George M'Hubbell, Samuel Mogridge and Abraham Dillon, of Buckingham township in the county of Wayne, Peter Spencer, Benjamin King, Levi Geer and Jirah Mumford, junior, of the township of Mount Pleasant in the county aforesaid, Lucas Elmendorff and Daniel Broadhead, junior, of Kingston in the county of Ulster, in the state of New York, Levi Dodge and Samuel S. Seymour, of Newburg in the state of New York, and Gilbert Walsworth, Ezra May, John Knight and Charles Leonard, of the town of Hancock and county of Delaware, in the state of New York, 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 October next, procure a book or books and therein enter as follows: "We, whose names are herewith subscribed, do pro-

Commissioners named.

Books to be opened.      mise to pay to the treasurer of the company for erecting a permanent bridge over the river Delaware at Stockport, the sum of twenty-five 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 authorise the governor to incorporate a company for erecting a permanent bridge over the river Delaware at Stockport, in Wayne county.' Witness our hands this      day of      one thousand eight hundred and      ."

Notice thereof to be given.      And shall, thereupon, give notice in one newspaper printed in Newburg, and one printed at Wilkesbarre, as also by written advertisements, for one calendar month at least, of the times and places when and where the said book or books shall be open 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 the 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 full age to subscribe therein, in his or her own name, or in the name or names of any other person or persons by whom he or she shall be authorised so to do; for any number of shares in the said stock, until two hundred and forty 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 adjournments public notice shall be given, and when the subscription shall amount to two hundred and forty shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his or her own name or that of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners, two 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.

Who may subscribe.      *SECT. II. And be it further enacted by the authority aforesaid*, That the said commissioners, or a majority of them, when one hundred and twenty shares shall have been subscribed, shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by 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 subscription 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, managers and company of the Delaware bridge at Stockport," and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises inci-

Commissioners may adjourn.      *§2 to be paid at time of subscribing.*

Proviso.      *Style of corporation.*

When patents may issue.

dent 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, 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. <sup>Powers and privileges.</sup>

SECT. III. *And be it further enacted by the authority aforesaid,* That the six persons first named in the said letters patent, or a majority of them; shall, as soon as conveniently may be after the same may have been sealed, give notice in two newspapers, one printed in Newburg and the other printed in Wilkesbarre, as also by written advertisements, 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 or by proxy duly authorised, one president and six managers, and one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed, and the said subscribers, so met, may 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 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 meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share under the number of ten. <sup>Notice to be given of the time & place of organizing the company.</sup> <sup>What officers to be chosen.</sup> <sup>Proviso.</sup>

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said stockholders shall meet on the first Monday in October next following the organization of said company, and on the first Monday in October 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. <sup>Meetings of stockholders.</sup>

SECT. V. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen as aforesaid, shall procure suitable books, a seal of the corporation, and as many or more certificates, printed or struck on copper plate, as there may be shares subscribed, and shall deliver such certificates, regularly numbered, dated and 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 five dollars for each share; and every such certificate shall be regularly entered, with the number, <sup>Certificates of stock to be issued.</sup>

date and to whom granted, on the left hand page of a book for that purpose, reserving the right hand page to enter the transfers; which certificates, when so delivered to the subscribers, shall be transferable at pleasure, either in person or by attorney, in presence of the president or treasurer, who shall thereupon enter the transfer, the date, and to whom made, on the right hand page of said book, opposite the number of the certificate so transferred, that they may have a regular record in their books, who are the real stockholders, and if, in case any such certificate or certificates should be lost or defaced, the president and treasurer shall, by way of exemplification, issue a second or a third certificate for the same number or numbers, making a regular entry thereof in their book aforesaid, for every such renewal of a certificate, the applicant shall pay a fee of fifty cents and no more; the assignee being subject, however, to the payments due or that may become due thereon, in the same manner as if he had been the original subscriber, and be entitled, for every certificate of a share so transferred and regularly entered, 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 the same as an original subscriber: *Provided always*, That in case of the insolvency or absconding of any of the assignees, the assignor or assignors shall not be exonerated from the payment of any such arrearages as may become due on the shares so transferred.

**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 the 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 and determine on the quality and form of the bridge, the construction of which shall not interfere with or obstruct the navigation of said river, 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.

**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 in Newburg and Wilkesbarre, and by written advertisements, 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

Transferable.

Lost certificates, how renewed.

Proviso.

Quorum.

To determine form of bridge, appoint engineers, &amp;c.

Fix salaries.

Penalty on neglecting to pay instalments.

stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of three per centum per month for every delay of such payment, and if the same and the said 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 be sold by them to any 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.

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 profits 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 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 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 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 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, not exceeding four hundred in the whole, as shall be deemed sufficient to fully accomplish the work, and to demand and receive the monies subscribed on such shares, in like manner and under like penalties, emoluments and privileges as are herein before provided for the original subscription.

Fair accounts to be kept,

and be annually submitted to stockholders.

May increase the number of shares.

Property of bridge vested in the stockholders.

Rates of toll.

SECT. IX. *And be it further enacted by the authority aforesaid,* That when a complete bridge shall have been erected at the place aforesaid by said company, with an arch of at least one hundred and fifty feet over the navigable channel, and at least twenty-one feet wide 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, which said toll shall be regulated from time to time by the by-laws of the company, but never to exceed the lowest customary prices taken for ferrying, or the following rates, to wit: For every coach, chariot, phaeton or other carriage of pleasure with four wheels, drawn by four horses, the sum of forty-five cents; and for the same carriage drawn by two horses, the sum of forty cents; for every waggon when loaded and drawn by six horses, the sum of seventy-five cents; for the same when drawn by five horses, fifty cents: for the same when drawn by four

horses, forty-four cents; for a loaded waggon drawn by two horses, thirty-five cents; for every chaise, riding-chair, cart or other two wheeled carriage, when drawn by two horses, the sum of thirty cents; and for the same when drawn by one horse, twenty-five cents; for every sleigh or sled, when drawn by four horses, the sum of forty-five cents; for the same when drawn by two horses, twenty-five cents; and for the same when drawn by one horse, fifteen cents; for a single horse and rider, the sum of six and one-quarter cents; and for every foot passenger, two cents; for every horse the sum of six and one-quarter cents; for every head of horned cattle, six and one-quarter cents; for every sheep and swine, two cents; 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: and it shall be the duty of the said president and managers, whenever they shall, by their by-laws, rules or regulations, establish, correct, alter or amend the rates or prices of toll within the limits aforesaid, to fix up in conspicuous view near the end of said bridge, an intelligible list of all the several tolls demanded for crossing: *Provided always*, That no toll shall be taken from persons going to or returning from places of public worship on Sabbath days, or attending funerals, nor from 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 the said bridge, for an annual sum in lieu of the toll herein before mentioned.

Rates of toll  
to be posted  
up, &c.

Proviso.

3d proviso.

Penalty on  
demanding  
illegal toll.

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 for passing over said bridge, than what are herein limited, or shall neglect to keep the same in good repair, or keep lists of their established rates of tolls placed near the ends of said bridge, on ten days notice given by or from any justice of the peace in the county of Wayne, 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 township in which the offence may be committed, 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 tolls for crossing said bridge, and shall make and declare a dividend of the profits and income, therefrom deducting contingent costs and charges, and shall, on the 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 the times and places when and where the same shall be paid, and shall cause it to be paid accordingly.

Of dividends.

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

said, 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 tolls, 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 the income and profits arising from said bridge, with the rate or rates that the tolls have been charged during the said respective periods, 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 quinquennial 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.

Abstract of accounts to be laid before the legislature every 5 years.

Nett proceeds not to exceed 12 per cent.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That inasmuch as the Delaware river, at Stockport, is the division line between the states of Pennsylvania and New York, that if the said company, being thus incorporated, shall not proceed to carry on the said work within the space of two years after they have obtained a similar law in the state of New York, or shall not within the space of five years thereafter complete the said bridge, or shall issue any note or notes in the manner or nature of bank notes, or transact any business in the manner or nature of banking, 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.

Time limited for commencing and completing the work.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously pull down, break or destroy, with intent to injure or deface 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, 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 passengers and others, or shall wilfully or maliciously obstruct or impede the passage over the said bridge or any part or parts thereof, he, she or they so offending, shall, each and every of them, forfeit and pay for every such offence, any sum not exceeding fifty dollars, to the said corporation, to be recovered on conviction before any justice of the peace as debts of like amount are recoverable, and the offence shall remain actionable for damages, or indictable as if there had been no forfeiture: *Provided always,* That all and every such action or state prosecution, shall be commenced within thirty days after the offence shall have been committed.

Penalty on injuring bridge, toll-house, &c.

or defacing list of rates of toll.

Proviso.

REES HILL, *Speaker of the House of Representatives.*  
JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighteenth day of March, one thousand eight hundred and sixteen.

SIMON SNYDER.