

CHAPTER CXXV.

An ACT relative to the incorporation of a company for erecting a bridge over the river Delaware at Columbia glass manufactory.

WHEREAS, the council and general assembly of the state of New-Jersey, by an act of the thirtieth day of January, one thousand eight hundred and sixteen, authorised the incorporation of a company for erecting a bridge over the river Delaware at Columbia glass manufactory, provided the legislature of the commonwealth of Pennsylvania should, by law, vest the subscribers to said company with as full and ample power, privileges, franchises and emoluments as are given and granted in and by the said act: And whereas the said bridge, if erected, will be advantageous not only to the citizens of New-Jersey, but also to the inhabitants of this commonwealth: Therefore,

SECT. I. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Adam Smith, Robert Simonton and Jacob Detrich, of Northampton county, be, and they are hereby appointed commissioners, in conjunction with those appointed by the council and general assembly of the state of New-Jersey, to do and perform the duties required in and by the third section of the act of the said council and general assembly of that state, passed the thirtieth day of January, one thousand eight hundred and sixteen, entitled "An act to authorise the governor of this state to incorporate a company for erecting a bridge over the river Delaware at Columbia glass manufactory," at the same time and under the same regulations as are specified in the said section of the said act.

Commissioners named.

SECT. II. *And be it further enacted by the authority aforesaid,* That the commissioners appointed by the first section of the act aforesaid, shall proceed to the performance of the duties therein specified in the same manner, and the subscribers shall be vested with like power and authority, and when the said subscribers shall have been incorporated by the executive of New-Jersey, the corporation shall have, possess and enjoy the same powers, privileges, franchises and emoluments, and shall be under the same restrictions and liable to the same penalties as fully, amply and effectually, to all intents and purposes, as though the different duties, powers, franchises, emoluments, penalties and restrictions in the said act mentioned were herein particularly specified and enacted, except that the duties required in the ninth section of the said act, to be performed by the supreme court of judicature of the state of New-Jersey, shall, so far as the same may be necessary within this commonwealth, be performed by the court of common pleas of the county of Northampton.

Their duties.

Commissioners to have like powers and subject to like restrictions to those of New-Jersey.

Exceptions.

Act of New-Jersey to be published, copy to be sent to gov. of N. Jersey.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said act of the state of New-Jersey be published in the same manner as the laws of this commonwealth usually are, and it shall be the duty of the governor of this common-

wealth, to cause a certified copy of this act to be transmitted to the governor of the state of New-Jersey.

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

JOHN TOD, *Speaker of the Senate*.

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

SIMON SNYDER.

STATE OF NEW-JERSEY.

An act to authorise the governor of this state to incorporate a company for erecting a bridge over the river Delaware at Columbia glass manufactory.

I. *BE it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Francis Maerhoff, John Johnson, Michael Odenwelder, Gershom Bartow, Daniel Swayze, John Lock and Jacob Sharp, of New-Jersey, Joseph Armat, of Philadelphia, David Smith, Robert Buttz, James Hollingshead, Peter Hilliard and Evan Thomas, of Pennsylvania, be, and they hereby are appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, They shall and may, on or before the first day of June next, procure at least three books and therein enter as follows: “ We, whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the river Delaware at Columbia glass manufactory, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act of the legislature, entitled ‘ An act to authorise the governor of this state to incorporate a company for erecting a bridge over the river Delaware at Columbia glass manufactory.’ Witness our hands the day of in the year of our Lord eighteen hundred and sixteen.” And shall, thereupon, give notice in such of the public newspapers printed in the states of Pennsylvania and New-Jersey as the commissioners may deem proper, for one calendar month at least, of the times and places 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 authorised, for one share, on the second day for two shares, on the third day for

one, two or three shares, and on any succeeding days, while the books shall remain open, for any number of shares in said stock, and if at the expiration of the said three first days, the said books, opened as aforesaid shall not have seven hundred shares therein subscribed, the said commissioners may adjourn from time to time, until the said number of shares be subscribed, of which adjournments public notice shall be given, and when the said subscriptions in the said books shall amount to the number aforesaid the same shall be closed: and if before the said subscription shall be declared full, application shall be made to subscribe more shares than will fill the said books, then the said commissioners shall apportion the whole number of shares among all those who shall have subscribed or offered to subscribe as aforesaid on that day, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will leave every person one or more shares: *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 expenses of attending taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

II. *And be it enacted*, That when fifty persons or more shall have subscribed three hundred shares in the said stock the said commissioners may, and when the whole number of shares shall be subscribed shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by or apportioned to each subscriber, to the governor of this state, who shall thereupon shall, by letters patent under his hand and the seal of the state, 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, Managers and Company for erecting a bridge over the river Delaware at Columbia glass manufactory;" 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 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, 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.

III. *And be it enacted*, That John Johnston, Peter Kline and James Davison, esquires, be commissioners, in conjunction with three commissioners who may be appointed by the state of Pennsylvania, to fix on and determine the site where the aforesaid bridge shall be built, who shall, within one year from the passing of this act, proceed to ascertain and fix on the site for building the same, and cause a return thereof to be recorded in the office of the secretary of state of this state, which return, or a certified copy thereof, shall at all times be considered as evidence of the place where the aforesaid bridge is to be built.

IV. *And be it enacted*, That the thirteen persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in such of the public newspapers printed in the states of Pennsylvania and New-Jersey as they shall think proper, of a time and place, by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorised, 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 constitution or laws of this state or of the United States, 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 an 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.

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

VI. *And be it enacted*, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for every share by him subscribed and held, on 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 the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof,

VII. *And be it enacted*, That the said president and managers, at such times and places, and being convened in such manner as shall be agreed on for transacting their business, at such 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 the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies to pay the salaries of persons by them employed, and for the materials and labor done and provided, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by their clerk, and to do and transact all such other acts, matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

VIII. *And be it enacted*, That if any stockholder, after thirty days notice in the public newspapers as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion for the space of forty days after the time so appointed, every such stockholder or 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 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.

IX. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and managers shall begin or proceed to build or erect the same, it shall and may be lawful to and for the said president and managers, to contract and agree with the owner or owners of any lands or tenements, for purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the same owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the supreme court of judicature in this state, who, upon such application, are hereby authorised and directed to appoint three discreet, intelligent and disinterested freeholders of this state, who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge and making and estab-

lishing all the necessary works and roads to and from the same, and shall, according to the best of their skill and judgment, ascertain and estimate the value of the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall make an appraisement thereof in writing, under their hands and seals, and the same shall return, together with a map describing the metes and bounds of such lands and tenements, to the supreme court next after they shall have agreed upon and signed the same, and the said appraisement having been confirmed by the supreme court, shall be filed in the clerk's office of the said court with the map aforesaid, and the said 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 fees of the said arbitrators, at the rate of two dollars to each for every day employed in the said business, and their necessary expenses, the said corporation shall be entitled to have and to hold, to them and their successors and assigns for ever, 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.

X. *And be it enacted*, That it shall and may be lawful to and for the president and managers aforesaid, their superintendants, engineers and artists of every kind, to enter into and upon all the lands, tenements and enclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, sand or gravel necessary for 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 burden 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 which shall be ascertained by the parties, if they can agree, and if they cannot agree, then by appraisement to be made, on 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 payment or 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: *Provided always*, That the said managers and persons by them employed, shall not, in any case enter upon the lands of any person or persons, or break ground in the same, or dig, take or carry away any stone, gravel, sand or earth until they shall have

previously contracted and agreed therefor with the owner, or made payment, or tender of the value thereof as ascertained in the manner herein before mentioned.

XI. *And be it enacted*, 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, and of all penalties for delays 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 special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such share, in like manner and under like penalties, as are herein before provided for the original subscription.

XII. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns for ninety-nine years, 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, 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; and for every waggon with four horses, the sum of fifty cents; for every carriage of the same description drawn by two horses, the sum of thirty-seven and a half cents; for every chaise, riding-chair, sulky, cart or other two wheeled carriage, or a sleigh or sled, with two horses, the sum of thirty-seven and a half 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 or drawn 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 a half cent: And said company shall cause to be affixed and always kept up at the gates of said bridge, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded: *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.

XIII. *And be it enacted*, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by oxen and partly by horses, two oxen shall be estimated equal to one horse.

XIV. *And be it enacted*, That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to or 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 other materials belonging to said bridge or 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.

XV. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge than what are before herein 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, 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.

XVI. *And be it enacted*, That the said president, managers and company shall also keep a just and true account of all and every the monies received by their respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund to provide against the decay, and for the re-building and repairing of 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.

XVII. *And be it enacted*, That nothing in this act shall be deemed, taken or construed to authorise or empower the governor to incorporate or empower any person subscribing as aforesaid, or shall give any power or authority to such subscribers to do any act, matter or thing herein mentioned, until such time as the legislature of the commonwealth of Pennsylvania shall by law vest the like power and authority in such subscribers to erect the same bridge, with as full and ample power, 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 with

In 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 state to resume all the rights and liberties hereby granted.

XVIII. *And be it enacted*, That the stock of said company shall be deemed and considered personal estate, and nothing in this act contained shall be construed to authorise the said company to employ their funds, or any part thereof, for the purpose of establishing or setting up any banking company or other monied institution.

I, JAMES LINN, secretary of the state of New-Jersey, do certify the foregoing to be a true copy of a law passed by the legislature of said state, on the thirtieth day of January, eighteen hundred and sixteen.

(L. S.) Witness my hand and official seal, at Trenton, the fifth day of February, in the year of our Lord one thousand eight hundred and sixteen.

JAMES LINN.

MAHLON DICKERSON, Governor of the state of New Jersey,

TO ALL TO WHOM THESE PRESENTS SHALL COME :

It is hereby made known, that James Linn, who hath subscribed his name to the within certificate, is secretary of the state of New-Jersey, authorised by law to grant such certificate, and that to his acts and attestations due faith and credit ought to be given.

(L. S.) In testimony whereof, the great seal of the state is hereunto affixed. Witness the hand of the said governor, at Trenton, the fifth day of February, in the year of our Lord one thousand eight hundred and sixteen.

MAHLON DICKERSON.

JAMES LINN, secretary.

CHAPTER CXXVI.

An ACT establishing certain election districts.

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 the electors of the township of Fishing creek, in the county of Columbia, shall hold their general elections at the house now occupied by Daniel Pealor, in said township.

Columbia
county.

Do.

SECT. II. *And be it further enacted by the authority aforesaid*, That the electors of Sugar-loaf township, in the county of Columbia, shall hold their general elections at the house now occupied by Ezekiel Cole, in said township.

Do.

SECT. III. *And be it further enacted by the authority aforesaid*, That the electors of Greenwood township, in the county of Columbia, shall hold their general elections at the house now occupied by Jonathan Hartly, in said township.