

No. 87.

AN ACT

To incorporate a company for erecting a bridge over Schuylkill river and canal at the town of Manayunk.

Preamble.

WHEREAS, by an act of the Legislature, passed on the fourteenth day of April, one thousand eight hundred and twenty-eight, entitled "An act to authorize John Towers to erect a bridge over the canal and river Schuylkill, at a town called Manayunk, in the county of Philadelphia," it is provided "that the said bridge shall be finished within three years after the passage of the said act: *And whereas*, it has been represented to the Legislature that the said bridge is not yet finished, in consequence of which the aforesaid act has expired and become void: Now,

Certain persons to pay treasurer ten dollars each.

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 John Levering, Paul Jones, Jacob Stadelman, Silas Jones, Charles Marquedent, Samuel Stadelman, Jacob Levering, Loyd Jones, Samuel Gorgas, George W. Smick, James Darrach, Paul Jones, J. J. Borie, Andrew Adams, Joseph Ripka, Newman and Haly, Norris J. Hoffman, Enoch Rittenhouse, Jacob Rittenhouse, John Scravendyke, Alexander Quinton, Perry W. Levering, Silas G. Levering, Charles V. Hagner, William Rawley and John Roberts, be authorized and required to pay to the treasurer herein-after named, ten dollars on each and every share by them subscribed respectively; and when the said payment shall have been made, the said treasurer shall certify the same, under his hand and seal, 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 aforesaid subscribers, and all such persons as shall become share or stockholders in the company hereby incorporated, into one body politic and corporate, by the name and title of the Manayunk bridge company, over the Schuylkill river and canal; 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 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

Upon certificate of payment Governor to incorporate them.

Style.

Privileges and liabilities.

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. 2. *And be it further enacted by the authority aforesaid,* That the officers of the said company shall consist of a president, four managers, one treasurer and such other officers as they shall from time to time appoint; the mode and times of election, and qualifications of all such officers, to be regulated by the by-laws of the said company, and until an election shall be held, pursuant to such by-laws, Loyd Jones shall be president, John Levering, Paul Jones, Alexander Quinton and Perry W. Levering, shall be managers, and George W. Smick, shall be treasurer of the said company.

Of the times and mode of election of officers.
Temporary officers appointed.

SECT. 3. *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 three 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, superintendents and other officers as they shall think necessary, and to fix their salaries and wages, to determine 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 orders shall be signed by the president, or in his absence, by a majority of a quorum, and to do and transact all other such matters and things as by the by-laws and regulations of the company shall be committed to them.

General duties of president and managers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the president and managers above named 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 subscribed and held, he having paid to the treasurer, in part of the sum due thereon, the sum of ten dollars as aforesaid, for each share, which certificate shall be transferable at his pleasure, in person or by attorney, in presence of the pre-

Of the certificates of stock.

Mode of
assignment.

sident 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 to all the rights and emoluments appertaining thereto.

Accounts of
the corpora-
tion.

SECT. 5. *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 treasury 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 hereinafter mentioned, and of all voluntary contributions, and also of all moneys 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 ascertained and paid, and if, upon such liquidation, or whenever the whole capital stock of the company shall nearly be expended, it shall be found that the said capital stock will not be sufficient to complete the 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 increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed on such shares, in like manner and under like penalties as are hereinafter provided for the original subscription, and if on the said bridge being completed it shall be found that more moneys remain in the hands of the treasurer than are necessary for the payment of all expenses incurred in erecting the same, the surplus shall be expended by the president and managers in the improvement of the roads leading thereto.

Annual state-
ment to stock-
holders.

Increase of
capital stock.

Disposal of
surplus.

Penalty on de-
lay in paying
instalments.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any stockholders, after thirty days notice given him in writing, by the treasurer, 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, or within forty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one 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 and shall be sold by them to any

other person or persons willing to purchase, for such price as can be obtained therefor.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president, managers, and company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying the abutments of the said bridge, and for constructing roads leading thereto, and also for the purpose of searching for stone, gravel, sand or other materials for constructing the said bridge, but no such materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation be ascertained and agreed upon, which compensation, if the parties cannot agree thereon shall be determined in the manner hereinafter described as to the compensation for lands on which the abutments of said bridge, or the roads leading thereto may be laid.

SECT. 8. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the said president, managers and company to enter in and upon and occupy, for the purposes of making the said bridge and avenues thereto, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury or supposed injury that may be done to the said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said bridge company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appraisement within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs and charges of said corporation, to appoint six disinterested men of said county, to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said bridge and roads leading thereto, and report the same under their oaths and affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the viewers shall be entitled

Right of entry upon private property to locate, and for materials.

Arrangement for adjustment of damages.

Six viewers to be appointed.

Confirmation of report.

Viewers, fees, &c. to the like fees for their services as are allowed by law to viewers of public roads, to be paid by said company: and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that shall be derived to the owner or owners of said lands from the said bridge: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner that appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten; and upon the coming in of such report, and the confirmation thereof, or upon final judgment or appeal therefrom, and the said company paying to such owners the sum in such report or judgment specified, in full compensation for said lands, or for injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*,

Proviso.
Appeal within
30 days.

Upon pay-
ment of award
right to vest in
company.

2d proviso.
Upon tender
of award,
Company
need not await
result of ap-
peal.

Structure of
bridge.

Rates of toll,
&c.

SECT. 9. *And be it further enacted by the authority aforesaid*, That when a good and complete bridge shall be erected at the place aforesaid by the said company, at least twenty feet wide in the clear, with a good and 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 the said bridge for the information of passengers, to wit: For every coach, landau, phaeton or other pleasurable carriage 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 and a half cents; for every loaded wagon with four horses, seventeen cents; for every carriage of the same description with two horses, twelve and a half cents; for every pleasurable carriage with four wheels and one horse, ten cents; for every chaise, riding chair, sulkey, cart or other two wheeled carriage or sleigh or sled, with two horses, ten cents; and so in proportion for more horses added, and for the same with one horse, six and a quarter 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 sheep or swine, half a cent; but the said tolls shall be from time to time so regulated that not 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 burden to pass for half toll; and a proportion of the foregoing tolls to be added to the sums chargeable for carriages of burden laden with more than two tons wood and stone, not to be considered as loading entitling carriages to a diminution of toll; the said president, managers and company being hereby authorized to make all such rules and regulations as may be necessary for promoting the convenience and safety of passengers in crossing the said bridge, and the preservation of said bridge, and as to tonnage, and generally for regulating the mode of passage over the same: *Provided*, That such rules and regulations be not contrary to the constitution and laws of this commonwealth, and any justice of the peace is hereby authorized to take cognizance of any of the offences herein mentioned, or of any breaches of the peace, or trespasses, crimes or misdemeanors committed on the said bridge, or its appurtenances, and the respective courts of the county of Philadelphia or Montgomery, shall have jurisdiction of such offences or misdemeanors in like manner and extent as of such or any breaches of the peace, crimes, trespasses or misdemeanors, committed in the body of the said county of Philadelphia and Montgomery, and properly falling within the jurisdiction and cognizance of such courts, without regard in these instances to the place of their being committed, whether within the reputed or fixed boundaries of the said county of Philadelphia or Montgomery: *Provided*, also, That no toll shall be taken from any persons attending funerals nor returning from the same and all persons going to and returning from military parades, going to and returning from church, children going to and returning from school.

Provided.

By-laws.

Jurisdiction
of courts in
punishment of
offences, &c.

2d proviso.

Exempts from
toll.

SECT. 10. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the president and managers of the company aforesaid to cause the toll collector or collectors of the said bridge to take or subscribe an oath or affirmation, before any justice of the peace, that he or they will faithfully conduct himself or themselves, in his or their respective stations, and honestly account to the treasurer of the said company for all the money collected by him or them, and will diligently attend to his or their duty, by vigilantly watching over the interest of the said company, and safety of the said bridge, and generally to execute with care and fidelity whatever lawful engagement he or they may enter into with the bridge company aforesaid.

Toll collector's oaths.

NET PROFITS
 Net profits over 9 per cent per ann. appropriated to extinguishment of shares in an order to be decided by lot.

SECT. 11. *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 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 surplus 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 bridge shall be free, except as to a small toll to keep the same in repair.

LIABILITY OF COMPANY
 Liability of company to penalties for extortion, neglect, &c.

SECT. 12. *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 tolls for passing over said bridge than are hereinbefore 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 or Montgomery, they so offending shall, for every such offence, forfeit and pay a sum not exceeding ten 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.

SEMI-ANNUAL DECLARATION OF DIVIDENDS
 Semi-annual declaration of dividends.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the said president and managers shall also keep a just and true account of all moneys 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 contingencies, 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 of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly.

COMMENCEMENT AND COMPLETION OF BRIDGE
 Commencement and completion of bridge.

SECT. 14. *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 the passage of this act, or shall not, within the space of four years from the passing of this act, complete the said bridge, it shall and may be lawful for the legislature of this com-

Commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the capital stock of the said company shall not exceed in amount fifty-thousand dollars: *And it is hereby provided,* That nothing contained in this act shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the building of the said bridge.

Capital stock \$50,000.
 Proviso: Company debarred from certain privileges.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.

No. 88.

SUPPLEMENT

To an act to provide for the erection of a house of employment and support of the poor in the county of York.

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 the directors of the poor and house of employment for the county of York, shall, from time to time, receive, provide for and employ, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the county of York, and any such poor and indigent person as aforesaid shall be admitted into the house of employment on an order for that purpose granted by one of any of the said directors, or by one justice of the peace of York county, or upon a legal order of removal from any other county within this commonwealth, for which

Duty of directors of the poor.

Admission of paupers.