

No. 100.

AN ACT

To incorporate the Delaware Water-gap Bridge Company.

Preamble.

WHEREAS, it is represented to the legislature by the petition of a number of the inhabitants of Northampton county, that the erection of a bridge over the Delaware river, at or near the Water-gap, would be a great convenience and accommodation to the public: Therefore,

Capital stock
\$15,000,
shares \$50
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 the capital stock of the Delaware Water-gap Bridge Company shall amount to fifteen thousand dollars, and that the same shall be divided into shares of fifty dollars each; and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of the said company may determine.

Joint commis-
sioners ap-
pointed to re-
ceive sub-
scriptions, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That M. Robert Butts, Jacob Dieterich, Luke Broadhead, Joseph Houser and Benjamin V. Bush, are hereby appointed commissioners, who, together with the commissioners to be appointed by the state of New Jersey, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they or a majority of them may direct, giving notice thereof, in two of the newspapers printed in the county of Northampton, in this state, and in all the newspapers printed in Warren county, in the state of New Jersey, for at least twenty days, of the times and places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice of; and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalment or any of them to and for the use of the said company: *Provided,* That if the number of shares subscribed for shall ex-

\$5 to be paid
down upon
each share.

Delinquent
holders may
forfeit shares.
Proviso.

ceed the number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Apportionment directed in case of excess of subscription.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when two hundred shares are subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of "The Delaware Water-gap Bridge Company," and by that name shall have perpetual succession, and all the 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, and estates, real and personal, as may be necessary and convenient to them in the prosecution of their work, 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.

When 200 shares are taken subscribers may be incorporated.

General powers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners, to give notice in two or more of the newspapers printed in the county of Northampton, in the state of Pennsylvania, and in all the newspapers printed in the county of Warren, in the state of New Jersey, 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 stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes to be delivered in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed, and may make such by-laws and regulations, not inconsistent with the laws of this state, or of the state of New Jersey, or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided always,* That no person shall have more than twenty 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 by him or her held, not exceeding twenty.

Provisional election of officers.

President, 6 directors, treasurer, &c.

Proviso.

One vote each share up to 20.

Annual election.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said stockholders shall meet on the first Monday in October, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Certificates of stock, how signed and transferred.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and directors first to be chosen aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject however, to the payments due, and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

General duties of president and directors.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said president and directors 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 with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on the said bridge, and to complete the same, and to fix their salaries and other wages, to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all monies that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

In case of non-agreement for the purchase of lands, &c. —how damages to individuals shall be ascertained.

SECT. 8. *And be it further enacted by the authority aforesaid,* That before the said president and directors shall proceed to erect the said bridge, it shall and may be lawful for them to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and for making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and directors, to apply to one of the judges of the court of com-

mon Pleas of Northampton county, in the state of Pennsylvania, not being a stockholder or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed before some judge or justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and for making and establishing all necessary works and roads to and from the same; and shall, according to the best of their skill and judgment, ascertain and estimate 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 report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands, or under the hands of any two of them, and shall return the same, together with a map, the metes and bounds of such lands and tenements, to the court of Common Pleas of the said county of Northampton next, after they shall have agreed upon and signed the same; and the said report, having been confirmed by the said court of Common Pleas, shall be filed in the office of the clerk of the said court, with the map aforesaid; and the said president and directors, having paid the said owners respectively the several sums awarded to be paid to them in and by the said report, 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 company shall be entitled to have and to hold to them and their successors and assigns forever, 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 president and directors to enter upon the said lands and tenements, and to commence and complete the said bridge.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and artists, to enter into and upon all lands and enclosures near to the place where the bridge is to be built, and to examine the ground, for the purpose of obtaining stone, gravel or sand, necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, 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, which damages shall be ascertained by

Appointment
of viewers.

Their duties,
Report, &c.

Payment of
award and
fees to vest
right in com-
pany.

Right of entry
upon adjoining
lands for
materials.

Damages how
ascertained
and paid.

the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner or managers, or superintendents, 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 county not interested on either side; and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth, conveniently situated for making and repairing said bridge.

Annual state-
ment of ac-
counts to
stockholders.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of voluntary contributions, and also, of all moneys by them expended in the prosecution of the said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge shall be completed, and until all the costs, charges and expenses, for effecting the same, shall be fully paid, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Rates of toll
allowed.

SECT. 11. *And be it further enacted by the authority aforesaid,* That when a good and complete bridge, shall be erected over the said Delaware river, at or near the place aforesaid, the property of the said bridge shall be vested in the company aforesaid, their successors and assigns forever, and the said company, their successors and assigns may demand and receive toll from travellers and others not to exceed the following rates: for every coach, landau, chariot, phaeton and other pleasurable carriage, with four wheels, drawn by four horses, the sum of seventy-five cents; for the like carriage with two horses, the sum of fifty cents; for every wagon with four horses, the sum of sixty-three cents; for every carriage to the like description with two horses, fifty cents; for every wagon, chaise, riding chair, sulky, cart or other two wheeled carriage, or a sleigh, or sled with two horses, the sum of thirty-eight cents; for the same with one horse, the sum of twenty-five cents; for a single horse and rider, twelve and an half cents; for every led or driven horse or mule, six cents; for every foot passenger, two cents; for every head of horned cattle, three cents; for every sheep or swine, one cent: *Provided further,* That any person or persons, attending funerals, any detachment of the military of this, or of the United States, for passengers attending divine service, students or children attending schools, or other seminaries of learning, shall at all times be exempted from paying toll;

Proviso.
Free passen-
gers.

and the said company, shall so erect the said bridge as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats and rafts from passing, or persons fording the said river. Bridge not to injure navigation or fording.

SECT. 12. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully destroy, or remove from off the said bridge or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they, so offending shall forfeit for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof. Penalty on wilful injury to bridge.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if the said company, their successors or assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are hereinbefore 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 third thereof, for the use of the poor of the township adjoining said bridge in New Jersey; one third thereof, for the use of the poor of the township adjoining said bridge in Pennsylvania; and the other third part thereof, 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. Liability of company to penalties for extortion and neglect. Proviso.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the said president and directors, shall have power to agree with any owner or owners of ferries or shad fisheries, that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain, and if they cannot agree with such owner or owners, then, and in such cases, the said damages shall be ascertained, and paid in the same manner as is provided for in the ninth section of this act: *Provided,* That no person shall receive any compensation for ferrying at any ferry, which shall have been purchased and paid for by the said company, after the said bridge shall have been completed. Injuries to ferries and fisheries. Proviso.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the said president, directors and company shall also keep a just and true account of all and every the moneys 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 stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against the Dividends.

To be declared semi-annually.

decay and for the rebuilding and repairing of the said bridge; and shall on every first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid and shall cause the same to be paid accordingly.

This act not to have effect until sanctioned by New Jersey legislature.

SECT. 16. *And be it further enacted by the authority aforesaid,* That this act shall not take effect or go into operation until the legislature of the commonwealth of New Jersey shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments as to the said company are hereby given.

Denial of banking privileges.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the said company shall not employ any of their funds in banking operations.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

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

GEO. WOLF.

No. 101.

AN ACT

To authorize the chief burgess and second burgess of the borough of Sunbury, in the county of Northumberland, to execute a deed to Charles G. Donnel, for certain real estate in said borough, in compliance with an ordinance of said corporation.

Preamble. Relative to a house and lot of ground left by J. Preisinger to borough of Sunbury.

WHEREAS, Jacob Preisinger, by his last will and testament, dated the twenty-fourth day of September, one thousand eight hundred and four, devised, among other things, a certain two story brick house and lot of ground, situated in the borough of Sunbury, Northumberland county, number seven in the plan of said borough, bounded by Market or Shamokin street on the south, and by a lot of Edward Gobin on the east, containing in breadth sixty feet, and in depth