

No. 162.

AN ACT

To authorize the Orphans court of Lebanon county, to direct John Forney to execute a deed of conveyance to Michael Gingrich.

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 Orphans court of Lebanon county be, and is hereby authorized and empowered, on the application of Michael Gingrich, one of the executors of the last will and testament of John Gingrich, deceased, who was the administrator of Mary Gingrich, deceased, setting forth the fact, manner and terms of sale of a certain house and lot of ground, late the property of said Mary Gingrich, deceased, situate in Millerstown, Anville township, in the county of Lebanon, to order and direct a deed to be executed by John Forney, one of the executors of the said John Gingrich, deceased, to Michael Gingrich, upon sufficient evidence being furnished to the said court, that the said Michael Gingrich was the purchaser of the said property, and that the consideration therefor was fully paid and satisfied.

For a house
and lot in
Millerstown,
Lebanon co.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The third day of May, Anno Domini eighteen hundred and thirty-two.

GEO. WOLF.

No. 163.

AN ACT

Authorizing the Governor to incorporate a company to build a toll bridge over the river Schuylkill, between the Black and White Horse taverns, in Amity township, Berks county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Douglas, Frederick Linderman, Clement Brook, John P. Rutter, Jacob S. Spang and John Bertolet,

Commissioners appointed to open subscription books.
Form of heading.

Shares, \$25.

Instructions on the subject of receiving subscriptions.

Proviso, \$3 to be paid down upon each share.

Charter may issue upon 200 shares.

all of the county of Berks, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned: that is to say, they shall, on before the first day of June next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorized to erect a bridge over the river Schuylkill, between the black and white horse taverns, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance to an act of the general assembly of this commonwealth, (entitled) "An act authorizing the Governor to incorporate a company for erecting a bridge over the river Schuylkill, between the black and white horse taverns, in the county of Berks." Witness our hands, this _____ day of _____ one thousand eight hundred and thirty _____;" and shall thereupon give notice in two newspapers printed in the said county, for one calendar month at least, of the times and places when and where the said book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books, at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years, to subscribe therein, in his own name or in the name or names of any person or persons by whom he shall be authorized so to do, for any number of shares in the said stock, until four hundred shares shall be subscribed, when the books shall be closed, but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to four hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his own name or in that of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners, three dollars for every share so to be subscribed, out of which monies shall be defrayed the expenses attending the taking of such subscription 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 thereof chosen, as is hereinafter directed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when two hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority

of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said 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 Schuylkill bridge, between the black and white horse taverns," and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of 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 be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, 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.

Style of corporation.

Privileges and liabilities.

SECT. 3 *And be it further enacted by the authority aforesaid,* That the three persons first named in the letters patent as soon as conveniently may be, after the sealing of the same, shall give notice in two or more of the public newspapers in the county of Berks, of a time and place by them to be appointed not less than thirty days 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 authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed; and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering the affairs of the said company, and generally to have all the powers, authorities and privileges, necessary for erecting, maintaining and keeping in repair the said bridge.

3 first named subscribers to carry into effect organization.

President, six managers, treasurer.

SECT. 4. *And be it further enacted by the authority aforesaid.* That a public meeting of the said stockholders shall be held annually at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them: *Provided,*

Annual meeting and election.

Provido.

Each share up to 10 to have one vote.

That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share under ten.

One certificate of stock to each share to be issued.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part of the sum due thereon five dollars on each share, which certificate shall be transferable either by the owner in person, or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject however to the payments due or to grow due thereon; and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

Of transfers of stock.

General duties of the president and managers.

SECT. 6. *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 prescribed by the by-laws, at which 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 at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same or any part thereof; they shall also determine the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary, to pay salaries, wages and bills, for work or materials, or on account of contract, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things as by this act or the by-laws of the company shall be committed to them.

Of the liability of delinquent stockholders to penalties, forfeiture of shares, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice, given in two or more newspapers, printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder, or his assignee shall, in addition to the proportion so called for, pay

at the rate of three per cent. per month, for every delay of such payment; and if the same, and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

SECT. 8. *And be it further enacted by the authority aforesaid.* That whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed. Increase of capital.

SECT. 9. *And be it further enacted by the authority aforesaid.* That when a safe passage may be had across the said bridge, the property of the same shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and receive toll, at not exceeding the following rates, to wit: for every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, six and one fourth cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, twelve and a half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twenty-five cents; for either of the aforesaid carriages, with four horses, thirty-seven and a half cents; and for every other carriage of pleasure under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon with two horses, twelve and a half cents; for every such wagon drawn by four horses, twenty-five cents; for every sleigh, six and a quarter cents; for every horse drawing the same, for every sled four cents; for each horse drawing the same, for every wagon or cart, six and a fourth cents, for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided,* That the said bridge shall be so constructed as to admit any load not exceeding six ton, and drawn by not more than eight horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the toll to be demanded for any carriage of burden crossing Rates of toll allowed to co.
Proviso.
Increase of toll on loads over 3 tons.

2d proviso.
Free passeng-
gers.

the said bridge, laden with more than three tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load, and the number of horses drawing the same: *And provided also*, That no toll shall be demanded from any person attending funerals, churches or schools, or going to or returning from any militia training.

Penalty on
extortion,
neglect, &c.

SECT. 10. *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 hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on six days notice given by or from any justice of the peace of said county, they so offending shall, for every such offence, forfeit and pay the sum of thirty 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, 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.

Appropriation
thereof.

Dividends to
be declared
semi-annual-
ly.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the said president and managers shall keep a just and true account of all monies received as toll for crossing said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, charges and expenses, and shall, on the fourth Monday of December and June of every year, publish the dividend to be made of the 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:

Proviso.
Reservation of
contingent
fund.

Provided, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear semi-annual income not exceeding one per cent. on the capital stock, as they may think proper to form a contingent fund for the purpose of repairing and re-building said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purposes aforesaid.

Oaths of col-
lectors, &c.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the president and managers aforesaid, to cause the toll collector or toll collectors, and watchman or watchmen of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of said county, that he or they will faithfully conduct themselves in his or their respective stations, and honestly account to

the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and generally to execute with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said bridge.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of 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 of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places, for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted segar or pipe, or of carrying fire in any manner whatever, over said bridge, except in a lantern, or in some vessel secured, so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fireworks, or who shall discharge any gun, pistol, or other fire arms on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or they so offending shall forfeit and pay to said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed; and he or they so offending shall remain liable to actions at the suit of the said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages.

Penalty
against certain
offences and
injury to
works of com-
pany.

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 two years after they shall have been incorporated, or shall not, within the space of five years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Two years to
commence
work, and five
to complete.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The third day of May, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.