

No. 81.

An Act

To incorporate the Lumberville Delaware Bridge Company.

Preamble. WHEREAS, it is represented to the Legislature, by the petition of a number of the inhabitants of the county of Bucks, that the erection of a bridge over the Delaware river, at or near Lumberville, would be a great convenience and accommodation to the public: Therefore,

Capital stock. SECTION 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 Lumberville Delaware bridge company, shall amount to twenty 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.

Commissioners appointed and their duties. SECTION 2. Joshua Y. Shaw, Nathan James, Joseph Hough, Anthony Fly, William Fenton, Oliver Hampton, John E. Kinnerdine, John Watson, Stephen Brock, Cyrus Livezey, William Dilworth, Philip Fretz, Jonathan Ely, junior, David Carver, Daniel Boileau, Joseph Heed, be, and they are hereby appointed commissioners, on the part of this State, who, with 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 Bucks, in this State, and in two of the newspapers printed in the county of Hunterdon, 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, failing to pay the said instalments or any of them, to, and for the use of the said company: *Provided,* That if the number of shares subscribed for, shall exceed the amount or number of shares authorized by this act to be subscribed for; that then the

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said commissioners shall apportion the said stock among such stockholders, in proportion to the amount or number of shares by them subscribed, as aforesaid.

SECTION 3. When three 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 Lumberville Delaware 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 should 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 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.

SECTION 4. As soon as three 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 Bucks, in the state of Pennsylvania, and in the county of Hunterdon, 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 and constitution of this State or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided*, That no person shall have more than twenty 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 not exceeding ten.

SECTION 5. That the said stockholders shall meet on the Annual first Monday in November, in every succeeding year, at such meeting of place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

SECTION 6. The president and directors, first to be chosen as 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 and 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 so 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, to vote as aforesaid at the meetings thereof.

Meetings of
the directors
and their
powers.

SECTION 7. 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 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, superintendents, artists and other officers, as they shall think necessary to carry on the said bridge and to complete the same; and fix their salaries and other wages; to determine the time, manner and proportions in which the stockholders shall pay the money due on the respective shares; to draw orders on the treasurer for all moneys 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.

Of the power
to take lands,
&c. for the
use of the
company, &c.

SECTION 8. After the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors 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 making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same, 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 justices of the supreme court of this state, 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 any justice of the peace, faithfully to perform the duties enjoined upon 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 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 ten-

ements, 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 and seals, or under the hands and seals of any two of them, and shall return the same 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 report having been confirmed by the said supreme court, shall be filed in the clerks office of the said court, with the map aforesaid; and the said president and managers, 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 said president and directors to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

SECTION 9. It shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all lands 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, gravel or sand necessary for the building of the said bridge, and 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, and first making amends for any damage that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three disinterested 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 peace 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 most conveniently situated for making and repairing said bridge.

To enter upon lands for materials.

SECTION 10. 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 stock-

Accounts to be kept.

holders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all 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 discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

SECTION 11. 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 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 or other pleasurable carriages, with four wheels, drawn by four horses, the sum of sixty cents; for the same carriage with two horses, the sum of forty cents; for every wagon with four horses, the sum of fifty cents; for every carriage of the same description, drawn by two horses, the sum of fifty cents; for every chaise, riding chair, sulkey, cart or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one and a fourth cents; for the same with one horse, the sum of fifteen cents; for a single horse and rider, the sum of ten cents; for every led or driven horse or mule, the sum of five cents; for every foot passenger, the sum of one cent; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of half a cent: *Provided*, That all persons going to and returning from funerals; persons going to or returning from meeting or church; children going to or returning from school; all persons going to and returning from military training or parade, shall pass free of toll: *Provided also*, That in fixing the toll of all carriages drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse. 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 or crafts from passing, or persons from fording the said river.

SECTION 12. If any person or persons shall wilfully cut, destroy, break 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 and pay 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.

SECTION 13. If the said company, their successors and as-

Tolls.

Proviso.

2d Proviso.

Penalty for
wilful injuries
to the bridge.

signs, and whoever shall own and possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are herein before 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 county of Bucks, in the state of Pennsylvania, and one-third thereof for the use of the poor of the township of Kingwood, in the state of New Jersey, and the other third for the use of the person who may sue for the same: *Provided always*, That no suit or action shall be brought, unless within sixty days after such offences shall be committed.

Penalty for
extortion.

SECTION 14. 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 case 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, &c.

Proviso.

SECTION 15. 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 decay, and for the rebuilding and repairing 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 where and when the same shall be paid, and shall cause the same to be paid accordingly.

Dividends.

SECTION 6. This act shall not take effect or go into operation, until the legislature of the state 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.

Concurrence
of N. Jersey
to be obtain'd

SECTION 17. Nothing in this act contained, shall be so construed, as to authorize the said bridge company to exercise any banking privileges, or to issue any bank notes, or notes in the nature of bank notes, and the Legislature reserve the right of alter-

To have no
banking
privileges.

ing, amending or annulling this charter whenever they think proper.

JAMES THOMPSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and thirty-five.

GEO: WOLF.

No. 82.

A Supplement

To the act entitled "An act authorizing the Governor to incorporate the Bald Eagle and Spring Creek Navigation company," passed the fourteenth day of April, one thousand eight hundred and thirty-four.

SECTION 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 faith of the State be and is hereby pledged for the payment of an interest of five per cent. per annum, half yearly, to those who shall be subscribers to the stock of the Bald Eagle and Spring Creek Navigation company, on a sum not exceeding two hundred thousand dollars, for a period of twenty-five years.

Interest
guaranteed.

Place of
commencing
the work, &c.

SECTION 2. It shall be the duty of the said president, managers and company, to commence the said work at the pool of the State dam on the Bald Eagle creek, and to put under contract and so progress with said navigation as soonest will produce tolls; to declare dividends semi-annually on the nett profits of every section of five miles, which dividends shall be duly certified to the Auditor General, on the oath or affirmation of the president and treasurer of the said company, within fifteen days after the first Monday of January and second Tuesday in July, in each and every year: the Auditor General, if there should be a deficit of five per cent. on the money so expended, shall report the same to the Governor, who shall draw his warrant on the State Treasurer for any balance that may be required to pay the said interest of five per cent.: *Provided,* That as the navigation is completed, the tolls shall be declared on the same, and certified as aforesaid; and any deficiency which may be required to pay the said interest of five per cent. semi-annu-

Proviso.