

No. 154.

An Act

Authorizing the Governor to incorporate a company to build a Toll Bridge over the river Schuylkill, at or near to Mohr's tavern, in Windsor township, Berks county, and for other purposes.

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 for the purpose of erecting a bridge over the river Schuylkill, at or near Mohr's tavern, in Windsor township, Berks county, John Gernand, George Loose, John H. Mohr, Peter Addams, Isaac Addams, George Haag, Jacob Klein, Jacob D. Klein, John Kaufman, Christopher Klein, Jacob Yoter, John Yoter, Philip Schneider, John Snyder, Jacob Philips, Philip Kline, Daniel Guldin, and Valentine Wagner, all of Berks county, be and the same are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first Monday of August 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, at or near to Mohr's tavern, for the use of the said company, the sum of twenty 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 of an act of the general assembly of this commonwealth, entitled 'An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c.' Witness our hands, this day of , one thousand eight hundred 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 such 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 other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until one hundred and twenty 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 one hundred and twenty 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 the name of any other person, shall at the time of subscribing, pay to the attending commissioner or commissioners, two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the 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 thereof chosen, as is hereinafter directed: *Provided*,
- 1d Proviso. That the commissioners of the county of Berks, or a majority of them, may subscribe for any number of shares they may deem expedient: *And provided also*, That the county shall at any time hereafter have the right of buying out the company, by reimbursing to the stockholders such money as together with the interest, they may have expended in the erection and completion of the said bridge.
- 2d Proviso.
- 3d Proviso.

When letters patent may issue. SECTION 2. When one 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 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, at or near Mohr's tavern," 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 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 body politic or corporate may lawfully do.

Style and title.

Privileges and liabilities

SECTION 3. The three persons first named in the letters patent, Organization as soon as conveniently may be after the sealing of the same, of the compa- shall give notice in two or more of the public newspapers in ny. the county of Berks, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the 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 is 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 of 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.

SECTION 4. A public meeting of the stockholders shall be Elections to held annually, at such time and place as shall be fixed by the be held an- rules and by-laws of the said company, for the purpose of nually. choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no P^{roviso}. 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 every person shall be entitled to one vote for every share he holds under ten.

SECTION 5. The president and managers shall procure Certificates certificates of stock in the said company, which shall be of stock. 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 for the sum due thereon, five dollars on each share, which certificate Stock trans- shall be transferrable, either by the owner in person or by ferrable. 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 growing 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.

SECTION 6. The said president and managers shall meet Powers of at such times and places, and be convened in such manner as president and shall be prescribed by the by-laws, at which meeting five mem- managers. bers 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, cartists, 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 proportion 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 contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also do and transact all matters and things as by this act or the by-laws of the company shall be committed to them.

Penalty on
delay of pay-
ing instal-
ments.

SECTION 7. If any stockholder, after thirty days notice given, in any 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 one 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.

May increase
capital stock.

SECTION 8. 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.

Property
vested in
company.

SECTION 9. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and their assigns forever, and the said company and assigns are hereby empowered to erect gates, and demand and receive toll not exceeding the following rates, to wit: for every score of sheep five cents; for every score of hogs eight cents; for every score of cattle fifteen cents; and so for a greater or less number; for every horse or mule two cents; for every horse and rider five cents; for every foot passenger one cent; for every sulkey, chair or chaise with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise with two horses and four wheels, fifteen cents; for either of the aforesaid carriages

Rates of toll.

with four horses, twenty 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, ten cents; for every such wagon drawn by four horses, twenty cents; for every sleigh, five cents for every horse drawing the same; for every sled, five cents for each horse drawing the same; for every wagon or cart, five 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 four tons, and drawn by not more than six horses or oxen, at all times to cross it; the said president and managers however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four 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. Proviso. 2d Proviso.

SECTION 10. 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 is herein before 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 ten days notice, given by a justice of the peace of the said county, they so offending shall, for every such offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to 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. Penalty for extortion or neglect to keep the bridge in-re-

SECTION 11. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, or otherwise, and shall declare and declare a dividend of the profits and incomes, after deducting costs, expenses and charges, and shall, on the first Monday of January in 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: *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 yearly income not exceeding two per cent. on the capital stock, as they Dividends declared annually. Proviso.

may think proper, to form a contingent fund, for the purpose of repairing and rebuilding 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 interests 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 purpose aforesaid.

President and managers to appoint officers. SECTION 12. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of the said county, that he or they will faithfully conduct him or 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 to 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.

Penalty for wilful injury. SECTION 13. 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 any 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 each and every such offence, to said corporation, the sum of ten 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 any lighted cigar 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 setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket, or other fireworks, or who shall discharge any pistol, gun, or other fire-arms, on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or she so offending, shall forfeit and pay to the 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

Time for commencing suit limited.

mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill navigation company in their works. Proviso.

SECTION 14. 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 three 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: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers printed in the county of Berks, a full account of the cost of building and repairing said bridge, and the amount of tolls received. Time of commencement and completion.

SECTION 15. That the act to authorize the Governor to incorporate the president, managers and company, for the purpose of erecting a bridge over the river Lehigh, at or near Kuntz's ford, in the counties of Lehigh and Northampton, passed the eighteenth day of March, Anno Domini, one thousand eight hundred and twenty-six, be and the same is hereby revived and continued in force, the same as if it had been re-enacted section by section: *Provided*, That if the said company shall not proceed to carry on the work contemplated by said act, within three years after the passing of this act, or shall not within five years thereafter complete said bridge, according to the true intent and meaning of the act hereby revived, then, and in either of these cases, all and singular, the rights, liberties and franchises hereby granted to the said company, shall revert to the commonwealth: *Provided further*, That John Shifferstine, William Miller, and David Lowry, of the county of Lehigh, and Abraham Gish, Daniel Kuntz, Adam Hower, and Peter Heckman, of the county of Northampton, be and they are hereby appointed commissioners, in the room of the commissioners named in the original act: *Provided also*, That so much of the original act as is hereby altered and amended, be and the same is hereby repealed. Act revived and continued for erecting bridge over the Lehigh. Proviso. Proviso. Repeal.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The seventeenth day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.