

APPROVED—The twenty-fourth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 163.

AN ACT

Giving the assent of this Commonwealth to the act of the Legislature of New Jersey, entitled "An act to incorporate the Columbia Delaware Bridge Company."

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 assent of this commonwealth be, and the same is hereby given to the provisions mentioned and contained in an act of the legislature of the state of New Jersey, passed the seventh day of March, Anno Domini, one thousand eight hundred and thirty-nine, entitled "an act to incorporate the Columbia Delaware bridge company of the county of Warren;" and the said act of the legislature of the state of New Jersey is hereby adopted, ratified and confirmed by this commonwealth, and the provisions thereof shall be in full force and effect within this commonwealth, and the said act of the legislature of the state of New Jersey shall be annexed to this act, and be published in the same manner as the laws usually are, and the governor shall likewise cause an exemplified copy thereof to be deposited in the secretary's office of this commonwealth, and transmit an attested copy of this act to the governor of the state of New Jersey.

Assent to the act of New Jersey legislature incorporating Delaware Bridge company

SECTION 2. That Enos Goble, Jacob Deiterich and George Troxell, be, and they are hereby appointed commissioners on the part of the commonwealth of Pennsylvania, to receive subscriptions of stock, in conjunction with the commissioners named in the first section of the said act.

Commissioners on part of Pennsylvania

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-fourth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

STATE OF NEW JERSEY.

AN ACT to incorporate the Columbia Delaware Bridge Company.

WHEREAS, It is represented to the legislature by the petition of a number of the inhabitants of the county of Warren, that the erection of a bridge over the Delaware river, at the village of Columbia, would be a great convenience and accommodation to the public.

Therefore:

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That William Green, John J. Blair, John J. Vaukirk and Andrew Smith, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the capital stock hereby created, at such time or times, and place or places, as they, or a majority of them, may direct, giving notice thereof in a newspaper printed in the county of Northampton, in the state of Pennsylvania, and in a newspaper printed in the county of Warren, in this state, for at least twenty days of the time or times, and place or 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 one of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed, and that the residue of said 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 instalments, or any of them, to and for the use of said company. *Provided,* That the books of subscription shall be kept open for three days at least, and 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 said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

SECTION 2. *And be it enacted,* 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 Columbia 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 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. *Provided*, Such increase does not with the original subscription exceed the amount of thirty thousand dollars, 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, pleading and be impleaded in all courts of justice, whatever.

SECTION 3. *And be it enacted*, That the capital stock of the said Columbia Delaware bridge company, shall be twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to said capital stock shall pay the sum or sums of money for the share or shares by them respectfully subscribed at such period and in such instalments as the directors of said company may determine.

SECTION 4. *And be it enacted*, That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the commissioners to give notice in one or more of the newspapers printed in the county of Northampton, in the state of Pennsylvania, and in one or more printed in the county of Warren, in this state, of the time of a meeting of the stockholders at Columbia, in the county of Warren aforesaid, 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, 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 said company, until other officers shall be appointed; and the said president and directors may make such by-laws and regulations, not inconsistent with the laws or constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company, and fixing upon the site or location of said bridge, and that each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election.

SECTION 5. *And be it enacted*, That the stockholders shall meet on the first Monday in November, in every year, at such place as shall be fixed by the by-laws of said com-

pany for the purpose of choosing such officers for the ensuing year.

SECTION 6. *And be it enacted,* That 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 said company, which certificates shall be transferrable at the pleasure of the holder, in person or by attorney, subject, however, to the payments due, and that may grow due thereon, and the assignee holding any such 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 so held by him or her, be entitled to his or her just proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote at the meetings thereof, as aforesaid.

SECTION 7. *And be it enacted,* 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 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 shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other agents, as they shall think necessary, to construct the said bridge, and to complete the same, and fix their salaries, and to determine the time, manner and instalments in which the stockholders shall pay the money due on their 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 which, by this act and the by-laws or regulations of the said company, shall be lawful.

SECTION 8. *And be it enacted,* That after the place for the erection of the said bridge shall be fixed, as aforesaid, 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, piers, abutments, or other erections, for the purchase of so much thereof as shall be necessary or useful for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads too 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 other-

wise 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 on them by this act, shall proceed to view and examine all such lands and tenements, piers, abutments, or other erections, as shall be necessary or useful for the purpose aforesaid, 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 thereof, 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 term of 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 clerk's office of the said court, with the map aforesaid; and the said president and directors having paid the said owners respectively, or tendered to them the several sums awarded to be paid to them in and by the said report, and having also paid the fees of the said arbitrators at the rate of two dollars to each, for every day employed in 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, piers, abutments and other erections, 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, use and occupy the said lands and tenements, piers, abutments, and other erections, and to commence and complete the erection of said bridge.

SECTION 9. *And be it enacted,* That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and workmen, to enter into and upon all lands and enclosures near 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 said bridge; and it shall and may be lawful for the said directors, or any person employed in building said bridge, to enter thereon 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 having first made amends for any damage that may be done, which damage shall be ascertained by the parties, if

they can agree; or, if they cannot agree, then by the 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 either party, 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 directors, or other persons by them employed, as aforesaid, after the 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.

SECTION 10. *And be it enacted*, That the president and directors of the said company shall keep just and fair 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 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 said bridge 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 ascertained and liquidated.

SECTION 11. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the said company, their successors and assigns may demand and receive toll from travellers and others crossing the same, not to exceed the following rates.

For every coach, landau, chariot, phaeton or other pleasure carriage with four wheels drawn by four horses, the sum of fifty cents.

For the same carriage, with two horses, the sum of thirty-seven and a half 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 thirty-one and a quarter cents.

For every chaise, riding chair, sulkey, cart, or other two wheeled carriage, or a sleigh, or sled, with two horses, the sum of thirty-one and a quarter cents.

For the same, with one horse, the sum of eighteen and three quarter cents.

For a single horse and rider, the sum of twelve and a half cents.

For every led or driven horse or mule, the sum of six and a quarter cents.

For every foot passenger, the sum of two cents.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of one cent. *Provided*, That the said company shall have power to estimate every ox, mule or other beast of burthen, when harnessed to draught carriages equal to a horse under similar circumstances, and shall cause to be put and kept up in some conspicuous place, at the gates of said bridge, a list of the said rates of toll ; and the said company shall so erect the said bridge as not to stop or interrupt the navigation of the said river, or prevent boats or rafts from passing the said river.

SECTION 12. *And be it enacted*, That if any person or persons, shall wilfully cut, destroy, break or remove from off the said bridge, or any part thereof, any piece of timber, plank, stone, chain, bolt 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 with costs in any court having cognizance thereof.

SECTION 13. *And be it enacted*, 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 passing over the said bridge than 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 with costs of suit, one-third thereof for the use of the poor of the township of Upper Mount Bethel, in the county of Northampton and state of Pennsylvania, and one-third thereof for the use of the poor in the township of Knowlton, in the county of Warren and 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 for such offence, unless within sixty days after the same shall have been committed.

SECTION 14. *And be it enacted*, 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 said bridge, and to compensate them for any damages that they may thereby sustain, and if they cannot agree with such owner or owners then, and in such case the damages shall be ascertained and paid for, in such manner as is provided for in the ninth section of this act. *Provided*, That after the said bridge shall have been completed, no compensation shall be received by any person for ferrying at any ferry which shall have been purchased and paid for by the said company, under a penalty of ten dollars for each offence, to be recovered with costs by said company, before any competent tribunal having cognizance of the same.

SECTION 15. *And be it enacted,* That the said president and directors shall also keep a just and true account of all and every, the money 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 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 for re-building and repairing the said bridge, and shall, on the 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.

SECTION 16. *And be it enacted,* That this act shall not take effect, or go into operation until the legislature of the state of Pennsylvania, 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.

SECTION 17. *And be it enacted,* That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes of the nature of bank notes, and that the legislature may alter, amend or repeal, this act whenever in their opinion the public good requires it.

IN COUNCIL.

FEBRUARY 19th, 1839.

This bill having been three times read and compared in council.

Resolved,

That the same do pass.

By order

of council.

WM. PENNINGTON,

President of council.

STATE OF NEW JERSEY, SS :

HOUSE OF ASSEMBLY.

MARCH 7th, 1839.

This bill having been three times read and compared in the house of assembly.

Resolved,

That the same do pass.

By order

of the house of assembly.

LEWIS CONDICT,

Speaker.

[L. S.]

I, James D. Westcott, secretary of state of the state of New Jersey, do hereby certify, that the foregoing is a true copy of a law of said state, passed the seventh day of March, eighteen hundred and thirty-nine, (1839) entitled "an act to incorporate the Columbia Delaware bridge company," as taken from, and compared with,

the original, now remaining on file in my office.

In testimony whereof, I have hereunto set my hand, and affixed my seal of office at the city of Trenton, in said state, this twentieth day of March, Anno Domini, one thousand eight hundred and thirty-nine, (1839).

JAMES D. WESTCOTT.

STATE OF NEW JERSEY :

I, William Pennington, Governor of the state of New Jersey, do hereby certify, that James D. Westcott, Esq., who hath signed the preceding certificate, and whose official seal is thereto annexed, is secretary of state, of the state of New Jersey, duly appointed, commissioned and sworn, and that full faith and credit are to be given to his official attestations, that the said signature is in proper hand writing of the said James D. Westcott, and the seal, his seal of office, and that said certificate is in due form of law.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state of New Jersey, to be hereto affixed at Trenton, in said state, this twentieth day of March, Anno Domini, one thousand eight hundred and thirty-nine (1839).



WILLIAM PENNINGTON.

By the Governor-

JAMES D. WESTCOTT,
Secretary of State.