

No. 165.

AN ACT

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

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, ^{Assent of Pa.} be and the same is hereby given to the provisions mentioned ^{to New Jersey} and contained in an act of the legislature of the state of New Jersey, passed the eighth day of March, Anno Domini, one thousand eight hundred and thirty-six, entitled "An act to incorporate the Milford Delaware Bridge company, of the county of Hunterdon;" 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.

SECTION 2. That John Adams, Joshua B. Calvin, Henry S. Stover, George Wyker, Hugh Erwin, John Derr, Thomas Pursell, William McEntyre, Rutledge Thornton, and Price Pursell, be and they are hereby appointed commissioners, ^{Commissioners on part of Penn'a} on the part of the commonwealth of Pennsylvania, to receive subscriptions of stock, in conjunction with the commissioners named in the second section of the said act.

STATE OF NEW JERSEY.

AN ACT to incorporate the Milford Delaware Bridge Company, of the county of Hunterdon.

WHEREAS, It is represented to the legislature, by the petition of a number of the inhabitants, of the county of Hunterdon, that the erection of a bridge over the Delaware river, at Milford, 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 the capital stock of the Milford 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.

SECTION 2. *And be it enacted,* That Daniel Vansyckel, George Carpenter, Wilson Housel, Peter Thomson, William Vanderbelt, senior, John Duckworth, Cornelius Ludlow, Jonathan Pickle, John Eckel, and Samuel Cooley, 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 said capital stock, at such places as they, or a majority of them may direct, giving notice thereof in one or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in one or more of the newspapers printed in the county of Hunterdon, in this state, 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, as aforesaid; 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 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 3. *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 Milford Delaware Bridge company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, 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 aforesaid capital of twenty thousand dollars, and the increase and profits, 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 being impleaded, in all courts of law and equity in this state.

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 said commissioners to give notice in one or more newspapers printed in the county of Bucks, in the state of Pennsylvania, and in the county of Hunterdon, in this state, 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, 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 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; one vote for every two shares above ten, and not exceeding

twenty; and one vote for every five shares above twenty, until the number of votes amount to twenty.

SECTION 5. *And be it enacted,* That the stockholders shall meet on the first Monday in November, 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.

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 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 certificates, 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 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.

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 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 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, as, by 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, at Milford, as aforesaid, and before the 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 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 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 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 land and tenements, and to commence, and to complete the erection of the said bridge.

SECTION 9. *And be enacted,* That 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 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, 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 the 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.

SECTION 10. *And be it enacted,* 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 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 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. *And be it enacted,* 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 exceeding the following rates:

For every coach, landau; chariot, phaeton, or other pleasurable carriages, with four wheels, drawn by four horses, the sum of seventy-five cents.

For the same carriage, with two horses, the sum of fifty cents.

For every wagon, with four horses, the sum of sixty-three 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 two cents.

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 and returning from meeting or church; children going to and returning from school, 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, the same shall be charged as though drawn exclusively by horses. 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 rafts from passing, or persons from fording 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 or peices 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. *And be it enacted*, That if the said company, their successors and assigns, and 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 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 Alexandria, in the county of Hunterdon, 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, unless within sixty days after such offences shall be 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 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.

SECTION 15. *And be it enacted*, 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 decay, and for the re-building 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 where and when 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 commonwealth 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 in the nature of bank notes; the legislature reserve the right of altering, modifying or amending this charter, whenever they think proper.

HOUSE OF ASSEMBLY,

26th February, 1836.

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.

DANIEL B. RYALL, *Speaker of the House of Assembly.*

IN COUNCIL,

March 8th, 1836.

This bill having been three times read in Council, Resolved,

That the same do pass.

By order of Council.

CHARLES SITGREAVES,

Vice President of Council.

STATE OF NEW JERSEY, SS.

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 eighth day of March, Anno Domini, one thousand eight hundred and thirty-six, (1836) entitled, "An act to incorporate the Milford Delaware Bridge Company, of the county of Hunterdon," as taken from and compared with the original, now remaining on file in my office.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in said state, this twelfth day of February, 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, Esquire, 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 the 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 thereto affixed, at Trenton, in said state, this twelfth day of February, Anno Domini, one thousand eight hundred and thirty-nine, (1839.)

[L. S.]

WM. PENNINGTON.

By the Governor,

JAMES D. WESTCOTT,
Secretary of State.

WM. HOPKINS,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—This twenty-fourth day of June, A. D. eighteen hundred and thirty-nine.

DAVID R. PORTER.