

supervisors. persons, to serve as supervisors of said township: any act hereby altered, is repealed, so far as concerns the said township of Beaver, and no further.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—This 20th day of February, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 19.]

A N A C T

To incorporate the Trenton City Bridge Company.

Preamble.

WHEREAS, it is represented to the legislature, by the petition of a number of the inhabitants of the city of Trenton, and vicinity, that the erection of a bridge from the intersection of the Philadelphia road and the road leading from Morrisville to Easton, over the river Delaware to the city of Trenton, at Kirkbride's and Rutherford's ferry, would be of great convenience and accommodation to the public: Therefore,

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 Trenton City

Capital stock \$50,000. Bridge Company, shall amount to fifty thousand dollars, and the same shall be divided into two thousand shares of twenty-

Shares \$25 each. five 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. That John Kirkbride, William B. Clymer, Samuel Story, Robert P. Lovett, Edward L. Taylor, Daniel Y. Harman, Samuel Gilkeson, James Erwin and Cyrus Cadwallader, of the State of Pennsylvania; and Zachariah Rossel, Crispin Blackfan, Thomas I. Stryker, William Grant and Joshua Wright of New Jersey, be and they are hereby appointed commissioners on the part of this State, who with

Commiss'rs. on part of Pennsylv'a.

commissioners to be appointed by the State of New Jersey, shall be authorized to receive subscriptions to the 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 Mercer, in the State of New Jersey; and two of the newspapers printed in the county of Bucks, in the State of Pennsylvania, for at least three weeks of the time and places when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, two dollars shall be paid upon each share subscribed for, to the commissioners or some of them, which money shall be deposited in one of the Trenton banks, subject to the drafts of 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, so 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 number of shares authorized by this act to be subscribed for, that 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.

Subscription, how, when and by whom received.

\$2 to be paid on each share at the time of subscribing. Deposite.

Instalments.

Penalty for neglect of payment.

Proviso.

SECTION 3. That when fifteen hundred shares are subscribed for, and five dollars paid on each share to the commissioners before appointed, 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 Trenton City 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 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 doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters Patent.

Name and style.

Privileges and franchises.

Notice **SECTION 4.** That when the said fifteen hundred shares of the said capital stock shall be subscribed and five dollars paid on each share as aforesaid, it shall be the duty of the said commissioners to give notice in two newspapers printed in the county of Mercer, in the state of New Jersey; and in two newspapers printed in the county of Bucks, in the state of Pennsylvania; of a time and place by them appointed, not less than twenty 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; one treasurer; six directors, and such other officers as they shall think necessary to conduct the business of the said company for one year, or until other officers shall be appointed, and may make such by-laws and regulations, not inconsistent with the laws and constitution of this State, the state of New Jersey, or the United States, as shall be necessary for the well ordering of the affairs of the said company: *Provided always*, That every share of the capital stock, to the number of twenty, shall entitle the owner to one vote, and for every five shares above that number, one vote, at any election or in determining any question, arising at such meetings whatever.

organization.

Officers and agents.

By-laws.

Proviso.

Annual election. **SECTION 5.** That the said stockholders shall meet on the second Monday in January, 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.

Certificates. **SECTION 6.** 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 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 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 estates and emoluments of the said company, and to vote as aforesaid at the meetings thereof.

Transferable.

Who may vote.

Quorum and chairman. **SECTION 7.** 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 complete the same; and to 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 to be countersigned by the clerk of the board, and to do and to transact all matters and things as by the by-laws and regulations of the said company may be lawful.

SECTION 8. That 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 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 toll-houses, 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 either State, not being a stockholder or otherwise interested, who upon such application is hereby authorized and directed to appoint three discreet and disinterested freeholders, 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 lands, 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 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 clerk's 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 a 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 for ever, the said lands and tenements,

To purchase
necessary
lands.

If cannot
agree.

Supreme
court to ap-
point viewers.

To report in
writing, with
a map.

View to be
confirmed by
Supreme
court.

Report final. as fully and as 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.

Enter on lands.

Disputes to be settled by viewers.

Whose report to be final.

To keep regular account of all moneys.

Property to vest in com'y.

SECTION 9. That it shall and may be lawful for the president and directors aforesaid, their superintendents and engineers and artists of every kind to enter into and upon all lands and inclosures 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 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 daught 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 damages 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 indifferent freeholders of the neighbourhood 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. 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 amounts 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. 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 re-

ceive toll from travellers and others, not to exceed the following rates: Rates of toll.

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

For the same carriage drawn by two horses, the sum of forty cents:

For every farm or market wagon, with four horses, the sum of forty cents:

For the same with two horses, the sum of thirty cents:

For every chaise, riding chair, sulky, cart or other two-wheel carriage, or sleigh, or sled drawn by two horses, the sum of thirty 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 head of horned cattle, the sum of three cents:

For every foot passenger, the sum of two cents:

For every sheep or swine, the sum of one cent:

Provided, All persons going to and returning from funerals: persons going to or returning from meeting or church on the Sabbath; and children going to or returning from school, shall pass free of toll: *Provided also*, That in fixing the toll of all carriages to be 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 the channel or obstruct the navigation of said river, so as to prevent boats or rafts from passing. Proviso.

SECTION 12. That if any person or persons shall wilfully cut, destroy, break or remove from 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 sued for and recovered by the said company, in any court having cognizance thereof. Fines for damage.

SECTION 13. 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 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 city of Trenton, and one-third thereof for the use of the poor of the county of Bucks, and state of Pennsylvania, and the other third for the use of the person who may sue for the same: *Provided always*, To collect no greater rate of toll under penalty. Proviso.

That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

To compensate owners of fisheries.

SECTION 14. 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 eighth 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.

Dividends.

SECTION 15. 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 said bridge, and shall make and declare a dividend of the profits and income thereof among the stockholders of said company, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall on every second Monday in January and July, in each and every year, publish the dividend to be made of the clear profits thereof among 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.

To be published.

SECTION 16. That 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 is hereby given.

When act to take effect.

Not to Bank.

SECTION 17. That the said company shall not employ any of their funds in banking operations.

Charter may be annulled.

SECTION 18. 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.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty. DAVID R. PORTER.