

dren and heirs of the said Zebulon Potts, that the residue of the said real estate, should be sold for their benefit: Therefore,

Section I. (Section I, P. L.) 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 Joseph Potts and Joseph Thomas, administrators to the estate of Martha Potts, late of the township of Plymouth, and county of Montgomery, deceased, be, and they are hereby authorized to sell and convey, in fee simple, a certain messuage and tract, or piece of land, situate in the township of Plymouth aforesaid, containing seventeen acres, more or less, adjoining lands of David Lukins, William Shepherd and others, being a part of the real estate of Zebulon Potts, late of the township of Plymouth aforesaid, deceased; which conveyance shall be as valid in law, as if the said Martha Potts, executrix of the said Zebulon Potts, had executed the same in her lifetime.

Approved March 12, 1804. Recorded in L. B. No. 9, p. 447.

CHAPTER MMCDLIV.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR ERECTING A BRIDGE OVER THE RIVER DELAWARE, NEAR TO THE TOWN OF MILFORD, IN THE COUNTY OF WAYNE.

Section I. (Section I, P. L.) 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 Samuel Johnson, John Biddis, John Brodhead, John Brink, and Hugh Ross, of the county of Wayne, and commonwealth of Pennsylvania, and Thomas Anderson, Daniel Stewart, John Guston and Jedediah Sayr, of the county of Sussex, and state of New Jersey, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned; that is to say, They shall and may, on or before the first day of May next, procure at

shares therein subscribed, or the book opened in the state of New Jersey shall not have one hundred and fifty shares therein subscribed, the said commissioners respectively may adjourn from time to time, until the said number of shares shall be subscribed; of which adjournment public notice shall be given at each place; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if before the said subscriptions shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, or either of them, then the said commissioners respectively, shall apportion the whole number of shares at such respective places, among all those who shall have subscribed, or offered to subscribe as aforesaid on that day, at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will leave every person one or more shares; but if after any of the said books shall have been opened, at any of the respective places aforesaid, for the space of three calendar months, the whole number of shares, to the places hereinbefore respectively allotted shall not have been subscribed, the said book or books may be respectively transferred to any other of the said places, and there kept open as aforesaid until the said subscription shall be full as aforesaid, public notice being given thereof at the places whence and whereto the said book or books shall be respectively transferred: Provided always, that every person offering to subscribe in the said books, in his own name, or any other name, shall previously pay to the attending commissioner or commissioners, ten dollars for every share to be subscribed, out of which 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 chosen, as hereinafter mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when twenty-five persons or more shall have subscribed one hundred shares in the said stock, the said commissioners respectively may, and when the

whole number of shares shall be subscribed, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent and under his hand and the seal of the state, to create and erect the subscribers; and if the said subscriptions be not full at that time, then also those who shall afterwards subscribe to the numbers aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company, for erecting a bridge over the river Delaware, near the town of Milford;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and increase and profits thereof, and enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall 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, estate real and personal, as shall 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 III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That five of the persons named in the letters patent shall, as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers in Philadelphia, and also in the public newspapers printed at Easton, Northampton county, and in one or more of the public newspapers printed 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 first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot to be delivered in person or

by proxy duly authorized, one president, six managers, 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 chosen, and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: Provided always, that no person shall have more than five votes at any 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 under the said number.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the stockholders shall meet on the first Monday in May in every succeeding year, in such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereon, the sum of twenty dollars for each share; which certificate shall be transferable at his pleasure, in person or by attorney, in presence of the president or treasurer, subject however to the payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the purpose, shall be a member of the corporation, and for each certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business; and 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 fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work; to draw orders on the treasurer for all monies; to pay the salaries of persons by them employed, and for the materials provided, and labor done, and which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk; and to do and transact all other such acts, matters and things, as by the by-laws, orders and regulations of the said company shall be committed to them.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder after thirty days notice given in some one or more of the public newspapers printed at Philadelphia, Easton and New Jersey, respectively, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion at the time appointed, for the space of forty days after the time so appointed, every such stockholder or his assignee, shall in addition to the dividend so called for, pay at the rate of five per centum per month for every delay of such payment; and if the same and the additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers and artists, to enter into and upon all the lands, tenements and inclosures near to the place where the said bridge is to be built, and to take any stones from fish-dams, and to examine the ground for the purpose of opening quarries of stones and obtaining gravel, sand or other materials necessary for building the said bridge; and that it shall and may be lawful for the said managers, 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 in fences they may have occasion to make, and making 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 appraisement, to be made as hereinafter directed, upon oath or affirmation, by three disinterested freeholders, or any two of them to be mutually chosen; or if the owners or the said managers, 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 employed by them 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 the said bridge.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in the payment thereof, and of the amount of the profits or shares that may be forfeited as aforesaid; and of all voluntary contributions, and also of all monies by them expended in the prosecution of the said work; and shall at

least once in every year submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all 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; and if upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the money subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscription.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, 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 as aforesaid, their successors and assigns forever; and the said company, their successors and assigns, may demand and receive toll from travellers and others, agreeably to the following rates, to wit: For every coach, landau, chariot, phaeton or other pleasurable carriage, with four wheels, twenty cents for each horse drawing the same; for every wagon with four horses, seventy cents; and for every carriage of the same description, drawn by two horses, forty cents; for every chaise, riding-chair, sulky, cart or other two wheel carriage, or a sleigh or sled, with two horses, thirty cents; and for the same with one horse, twenty cents; for a man and horse, eight cents; for every led horse or mule, five cents; for every foot passenger, two cents; for every head of horned cattle, two cents; for every sheep or swine, one cent each: Provided always, that the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or

prevent boats from crossing, or persons from fording the said river.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, 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.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their successors and assigns, and whosoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge than what is 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 offense, forfeit and pay the sum of twenty-five dollars, one moiety thereof for the use of the poor of the township of Upper Smithfield, in the county of Wayne, and the township of Montague, in the county of Sussex, and state of New Jersey, equally to be divided, and the other moiety for the use of the person who may sue for the same: Provided always, that no suit or action shall be brought unless within thirty days after such offense shall be committed.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall keep a just and true account of all and every the monies received by their several and 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 subscribers to the said company's stock, 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 rebuilding and repairing of the said bridge; and shall on every first Monday in April and October of every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and cause the same to be paid accordingly.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of two years next after the bridge aforesaid shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the toll, for and during the said period, together with an exact account of costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said bridge shall be completed, it shall appear from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, managers and company, to increase the tolls herein allowed, so much as will raise the dividends to six per centum per annum; and at the end of every ten years after the said bridge shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years; and if at the end of any such decennial period, it shall appear from such abstract the clear profits and income of the said company will bear a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to ten per centum per annum.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act shall be deemed, taken or construed, to authorize or empower the governor to incorporate, or empower any persons subscribing as aforesaid, or shall give any power or authority to such subscribers, to do any act, matter or thing herein mentioned, until such time as the legislature of the state of New Jersey shall by law vest the like power and authority in such subscribers, to erect the said bridge and extend the same across to the opposite shore, with as full and ample powers, privileges, franchises, and emoluments, as to the said sub-

scribers, are herein given; and the said subscribers, having such authority, shall be incorporated as aforesaid, and shall proceed in the said work with all convenient speed; and if the said company shall not proceed to carry on the said work within the space of four years after they shall have been incorporated, or shall not within the space of ten years from the passing of this act, and a similar act shall be passed by the legislature of New Jersey, 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.

Approved March 12, 1804. Recorded in L. B. No. 9, p. 448.

CHAPTER MMCDLV.

AN ACT ERECTING ONE NEW ELECTION DISTRICT, AND CHANGING THE PLACES OF HOLDING ELECTIONS IN TWO OTHER DISTRICTS, IN THE COUNTY OF NORTHUMBERLAND.

Section I. (Section I, P. L.) 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 from and after the passing of this act the township of Chillisquaque, in the county of Northumberland, shall be, and the same is hereby erected into a separate election district, to be called Chillisquaque district, and the electors thereof shall hold their elections at the house now occupied by William Dale, in the aforesaid township.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the place of holding the elections in the seventh election district, in the county aforesaid, be, and the same is hereby changed, from the house of David Fowler, to the house of Abraham Miller, in Bloom township; and that the place of holding elections in the fourteenth election district, in the county aforesaid, be, and the same is hereby changed from the house of Henry Gross, to