

CHAPTER MMCMXXXIII.

AN ACT FOR ESTABLISHING AND BUILDING A BRIDGE ACROSS THE RIVER SCHUYLKILL, AT OR NEAR THE FALLS THEREOF.

Whereas it hath been represented by a number of the inhabitants of the city and county of Philadelphia, and of the counties of Montgomery, Delaware and Chester, that a bridge across the river Schuylkill, at or near its falls in the county of Philadelphia, will be greatly beneficial to the trade and general interest of the community. And whereas Robert Kennedy and Conrad Carpenter, owners of the ground on both sides of the said river, are desirous to erect a bridge at the place aforesaid, at their proper cost and expense, and have petitioned the general assembly to authorize them to erect the same, and to vest it, when erected, in them, their heirs and assigns, forever, with liberty to demand and receive such tolls or fees from travelers, as are hereinafter mentioned. And whereas it appears that the same will be highly beneficial to the public: 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 it shall and may be lawful to, and for the said Robert Kennedy and Conrad Carpenter, their heirs and assigns, or in case either of them should die, for the survivor, his heirs and assigns, to erect, maintain and support a good and substantial bridge over and across the river Schuylkill, at or near the falls thereof in the county of Philadelphia, and that the same when so erected, shall be vested, and the same is hereby vested in the said Robert Kennedy and Conrad Carpenter, their heirs and assigns forever. And that the said Robert Kennedy and Conrad Carpenter, their heirs or assigns shall and may demand and receive from travelers and others, tolls or fees for passing or using the said bridge according to the following rates: that

is to say, for every coach, landau, phaeton or other pleasurable carriage with four wheels drawn by four horses, the sum of twenty cents and so in proportion if more horses are added, and for the same carriages with two horses, the sum of twelve cents; for every loaded wagon with four horses, the sum of seventeen cents; and for every carriage of the same description drawn by two horses, the sum of twelve cents; for every chaise, riding chair, sulky, cart or other two wheeled carriage, or a sleigh or sled with two horses the sum of ten cents; and so in proportion if more horses are added to the number herein last mentioned, and for the same with one horse, the sum of six cents; for a single horse or mule and rider, the sum of two cents; for every horse or mule without a rider, the sum of one cent; for every head of horned cattle, the sum of one cent; for every foot passenger, the sum of one cent; for every sheep or swine, the sum of half a cent; but the said tolls shall be from time to time so regulated, that no more than three-fourths of the tolls demandable in other cases shall be taken for the transportation of the produce of the country, and for those laden with manure half toll, empty carriages of burden to pass for half toll, and a proportion of the foregoing tolls to be added to the sums chargeable for carriages of burden laden with more than two tons, wood and stone not to be considered as lading entitling carriages to a diminution of toll, nor any carriage drawn by more than six horses or oxen to be entitled to pass over the said bridge: Provided always, that no tolls shall be taken from any person or persons attending funerals or walking in military procession, or from persons belonging to the militia in going to, and returning from, muster on days of training, and that the tolls shall be so regulated that the net profits arising from said bridge, shall never exceed fifteen per centum per annum on the money expended in erecting the same and keeping it in repair: And provided further, that nothing herein contained shall authorize the said Robert Kennedy and Conrad Carpenter to erect a bridge, except where they own the ground on each side of and contiguous to the said river, nor to erect the

same in such manner as to injure, stop or interrupt the navigation thereof by rafts, boats, craft or vessels without masts. And the toll of all carriages drawn wholly or in part by oxen, two oxen shall be estimated equal to one horse.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That if the said Robert Kennedy and Conrad Carpenter, their or either of their heirs or assigns, or any person by their authority, shall demand or collect any greater rates or prices for passing over the said bridge, than those herein-before prescribed and specified, or shall neglect to keep the said bridge in good repair, on ten days notice, given by or from any magistrate of the city or county of Philadelphia, they shall for every such offense forfeit and pay the sum of fifty dollars; one moiety for the use of the poor of the city and county of Philadelphia, and the other moiety for the use of the person who may sue for the same: Provided always, that no such suit or action shall be brought unless within thirty days after such offense shall be committed, and that nothing herein contained, shall prevent the taking of less tolls than those hereinbefore prescribed and specified.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That if the said Robert Kennedy and Conrad Carpenter, or the survivor, or the heirs or assigns of both or either, shall not, within the space of two years from the passing of this act, proceed to carry on the said work, or within five years after the expiration of the said first mentioned period, complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all the rights, liberties and privileges hereby granted.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said bridge, with the rights and privileges appurtenant thereto, shall be held by the said Robert Kennedy and Conrad Carpenter, as tenants in common and not as joint tenants; and in case of the decease of either or both of them, before the same shall be completed it shall and may be lawful for the survivor, or the

heirs or assigns of both or either of them, to complete the same, and to exercise all the rights and privileges hereby granted, for the use and benefit, however, of such survivor and of the heirs, of the deceased, and in case of the decease of both, to their heirs, in such proportion as their respective contributions shall bear to the whole expense of the work.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That written or printed copies of the rates of toll shall be published, or placed and kept in or near the said bridge, for the information of passengers; and that if any person or persons shall wilfully tear down, obliterate, deface or destroy them, or shall pull down, break or destroy, with intent to injure any part of the said bridge, or of any abutment, pier or piers, or any of the toll houses, gates, bars or other property, appurtenant to or erected and made for the use and convenience of the said bridge, or the persons employed in conducting the business thereof, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, he she or they, so offending, and each of them, shall forfeit and pay to the said Robert Kennedy and Conrad Carpenter, or to such other persons or person as may be owners or owner of the said bridge for the time being, the sum of thirty dollars for each offense, to be sued for and recovered before any justice of the peace, in like manner and subject to the same regulations as debts not exceeding one hundred dollars may be sued for and recovered; and he, she or they, so offending, may and shall remain liable to actions for further damages for such torts, if the sum or sums herein mentioned, be insufficient to repair and satisfy such damages.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the legislature should at any time, not less than fifteen years after the said bridge shall have been completed, declare the same a free bridge by law, three persons shall be appointed by them on the part of this Commonwealth, and three by the said Robert Kennedy and Conrad Carpenter, or the owner or owners of the said

bridge for the time being, which six persons so appointed, or any four of them, shall estimate what sum or sums of money the said Robert Kennedy and Conrad Carpenter, or the heirs or assigns of both or either of them respectively, being owner or owners of the said bridge, shall be entitled to as a compensation therefor; and also three persons shall be appointed by the said Robert Kennedy, his heirs or assigns, which three, together with those appointed as aforesaid, on the part of the commonwealth, or any four of the whole number so appointed on behalf of the commonwealth and of the said Robert Kennedy, his heirs and assigns, shall estimate and determine what sum or sums of money the said Robert Kennedy, his heirs or assigns, shall be entitled to as an indemnification for the ferry hitherto kept by him, which sum or sums shall be paid to the said Robert Kennedy and Conrad Carpenter, or to such other person or persons as shall derive title from, through or under them respectively, as owner or owners of the said bridge and ferry, out of any monies in the treasury not otherwise appropriated.

Approved February 22, 1808. Recorded in L. B. No. 11, p. 187.

CHAPTER MMCMXXXIV.

AN ACT ENJOINING CERTAIN DUTIES UPON THE TREASURER OF THIS COMMONWEALTH.

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 the treasurer of this commonwealth, be, and he is hereby authorized and required before the third day of March next to subscribe for the use of this commonwealth, all of the old six per cent. deferred, and