

CHAPTER MMMLVI.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO ENABLE THE GOVERNOR TO INCORPORATE A COMPANY TO MAKE AN ARTIFICIAL ROAD BY THE BEST AND NEAREST ROUTE, FROM THE TOWN OF HANOVER, IN THE COUNTY OF YORK, TO THE MARYLAND LINE, AT OR NEAR THE PLACE THE TURNPIKE FROM BALTIMORE TO THE STATE LINE TOWARDS HANOVER WILL STRIKE THE SAME." (4).

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 president, managers, and company of the Hanover and Maryland line turnpike road, are hereby authorized and empowered to extend the said turnpike road through the town of Hanover, to the west end of Robert Owings' house, under the like powers as are given by the act to which this is a supplement; and the part of the road so extended, shall be considered and taken as a component part of the said turnpike road. And when the said additional part shall be finished, the said company shall have like power to take similar tolls thereon, in proportion to the distance as they have by the original act for the road therein described.

Approved March 17, 1809. Recorded in L. B. No. 11, p. 317.

Note (4). Chapter 2919; Supra this volume, p. 756.

CHAPTER MMMLVII.

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AN ACT TO AUTHORIZE AND DIRECT THE GOVERNOR TO INCORPORATE A COMPANY FOR ERECTING A PERMANENT BRIDGE OVER THE RIVER SCHUYLKILL, OPPOSITE THE FLATROCK IN THE COUNTY OF PHILADELPHIA.

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 Lewis Rush, Benjamin



sioners may adjourn to such times and places as they shall think necessary, of which adjournment public notice shall be given, and when the subscriptions shall amount to two hundred shares as aforesaid, the same shall be closed, and if before said subscription shall be declared to be full, application shall be made to subscribe more shares than will fill said book or books, then the said commissioners shall apportion the whole number of shares among all those who shall have subscribed or offer to subscribe as aforesaid, on that day, by deducting from the subscribers, if more shares than one, such proportion of shares by them respectively subscribed, as will leave every person one or more shares: Provided always, that every person offering to subscribe in the said book or books in his own name, or in that of any other person, shall previously thereto pay to the attending commissioner or commissioners, five dollars, for every share so to be subscribed, out of which monies shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over by the said commissioners to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen as is hereinafter directed.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners when the whole number of shares shall have been 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, and thereupon it shall be the duty of the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers into one body politic and corporate in deed and in law by the name, style and title of "The managers and company for erecting a permanent bridge over the river Schuylkill, at the Flatrock," 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 the increase and

profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they may 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 the six persons first named in the said letters patent, shall as soon as conveniently may be after the same have been sealed, give notice in two or more public newspapers printed at Philadelphia, one whereof shall be in the German language, and also in a public newspaper printed at Norristown, of the time and place by them to be appointed, not less than one calendar month 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 said subscribers by ballot, to be delivered in person, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of said company, until other officers shall be lawfully chosen, and make such by-laws, rules, orders, and regulations not inconsistent with the laws which govern this commonwealth, as shall be found necessary for the well ordering of the affairs of 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 under five.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said stockholders shall meet on the first Monday in January next following the or-

ganization of said company, and on the first Monday in January in every succeeding year, at such place as shall be fixed on 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 of such certificates, 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 ten 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, or that may grow 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 that purpose, shall be a member of said corporation; and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estate 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 said 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, 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 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 re-

spective shares, in order to carry on the work of the said bridge, to draw orders on the treasurer for all monies to pay the expense accruing on the erection of said bridge, 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 matters and things as by the by-laws, orders and regulations of the 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 one or more newspapers printed at Philadelphia, and in one printed at Norristown of the time and place appointed for the payment of any proportion or dividend of said capital stock, shall neglect to pay such proportion at the time appointed or within forty days thereafter the time so appointed, every such stockholder or his assignee shall in addition to the proportion so called for, pay at the rate of four per centum per month for every delay of such payment, and if the same and the said additional penalties shall remain unpaid for such a 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 the president and managers of said company shall keep fair and just accounts of all monies received by them from the commissioners aforesaid, and from the subscribers to the capital stock of said company and for all penalties for delay in payment thereof, and of the amount of profit on shares which may be forfeited as aforesaid, and of all voluntary contributions, and also of all monies expended by them in the prosecution of the said work; and shall at least once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed and all expenses incurred in

erecting 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 will not be sufficient to complete said bridge according to the true intent of this act, it shall be lawful for the said 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 monies subscribed on such shares in like manner and under like penalties as are herein-before provided for the original subscription, and if on the said bridge being completed, it shall be found that more monies remain in the hands of the treasurer than are necessary for the payment of all expenses incurred in erecting said bridge, the surplus shall be expended by the president and managers in the improvement of the roads leading thereto.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge shall be erected at the place aforesaid by said company, at least twenty-one feet wide in the clear, with a good and sufficient railing on each side, the property thereof shall be vested in the said company and their successors during and unto the end of twenty years; and the said company and their successors may demand and receive toll from travelers and others agreeably to the following rates, a list of which shall be placed near said bridge for the information of passengers, to wit: for every coach, landau, phaeton or other pleasurable carriage with four wheels drawn by four horses, twenty cents, and so in proportion for more horses added; and for the same carriages with two horses, twelve cents; for every loaded wagon with four horses, seventeen cents; for every carriage of the same description with two horses, twelve cents; for every chaise, riding chair, sulky, cart or other two-wheeled carriage, or a sleigh or sled with two horses, ten cents; and so in proportion for more horses added; and for

the same with one horse, six cents; for a single horse or mule and rider, two cents; for every horse or mule without a rider, one cent; for every foot passenger, one cent; for every head of horned cattle, one cent; for every sheep or swine, 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 loading, entitling carriages to a diminution of toll, nor any carriage drawn by more than six horses or oxen to be entitled to pass over said bridge: Provided always, that no toll shall be taken from any person attending funerals or walking in military procession, or from persons belonging to the militia in going to or returning from muster on days of training, and that in charging toll on all carriages drawn wholly or in part by oxen, two oxen shall be estimated as equal to one horse; And provided further, that nothing in this act contained shall extend to authorize the said company to erect said bridge without the consent of the owners of the ground on each side of and contiguous to the river, or to erect the same in such manner as to injure, stop or interrupt the navigation of the said river by boats, rafts or other vessels without masts.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That whenever the tolls received for passing over said bridge, shall exceed nine per cent net annual profits, on the capital stock of said company, the excess shall be expended by said president and managers, in improving the roads leading to said bridge, until the full term of twenty years from the time of the completing thereof; and at the end of the said term of twenty years, all the surplus above nine per cent. per annum shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock, as the money arising from said

surplus as aforesaid, shall be found adequate to purchase, after deducting the amount necessary for repairs therefrom, until all the said shares shall be so purchased; and the said subscribers shall determine by lot from time to time, whose share or shares shall be paid off by the money arising as aforesaid; for which shares the said company shall pay the sums which were originally paid for each respective share; and when the whole number of shares shall be purchased as aforesaid, then the said bridge shall be free, except as to a small toll to keep the same in repair: Provided, that the legislature may, at the end of twenty years, declare it a free bridge, providing at the same time, means for keeping it in repair; and the company shall be obliged to take such sum of money as shall be allowed on a fair appraisement by indifferent persons; and the said company shall continue to hold said bridge on the terms of this act, until the same shall be redeemed and paid for in the manner herein directed.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater tolls for passing over said bridge, than what are herein-before prescribed and specified, or shall neglect to keep the same in good repair, or keep a list of tolls placed near the said bridge, on ten days notice given by or from any justice of the peace of the county of Philadelphia or Montgomery, they so offending, shall for every such offense, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable; one moiety thereof to go for the use of the poor of the county in which the suit may be brought, and the other moiety for the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after such offense shall have been committed.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers shall also keep a just and true account of all monies received as tolls for crossing said bridge, and shall make and

declare a dividend of the profits and income thereof, among all the stockholders, deducting first therefrom, contingent costs and charges, and shall on the first Monday in January and July, of 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 it to be paid accordingly.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall at the end of, or within every third year from the date of the incorporation, lay before the general assembly of this commonwealth, an abstract of their accounts showing the whole capital expended in the prosecution of said work, and of the income and profits arising from said bridge for and during the said respective periods, together with an exact account of the costs and charges of keeping said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profit thereof may be ascertained.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of two years after they have been incorporated, or shall not, within the space of five years from the passing of this act, 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.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully pull down, break, or destroy with intent to injure any part or parts of the said bridge, or any toll-house, gates, bars, or other property of the said corporation, appurtenant to, or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully, and without the consent and orders of said corporation, or any person or persons authorized

by them, deface or destroy the letters or figures, or other characters in any written or printed list of the rates or tolls affixed in any place or places for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on, or over the said bridge, or any part or parts thereof, he, she, or they so offending, shall each of them forfeit and pay for every such offense, to said corporation, the sum of twenty dollars, to be recovered on conviction before any justice of the peace, as debts of like amount are recoverable; but no suit shall be brought unless commenced within thirty days after such offense shall have been committed; and he, she, or they so offending, shall remain liable to actions at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned, be not sufficient to repair and satisfy said damages: Provided always, that the suit last herein mentioned, shall be brought within thirty days after such conviction had before any justice of the peace as aforesaid, and not otherwise.

Approved March 22, 1809. Recorded in L. B. No. 11, p. 317.

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## CHAPTER MMMLVIII.

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### AN ACT GRANTING AN ANNUITY TO JOHN M'DOWEL.

Whereas it appears to the legislature that John M'Dowel enlisted in the year one thousand seven hundred and seventy-six, in the company of captain Moses M'Clean, of York county, for one year, and marched with him to Canada, and was in the battle of the Three Rivers, under General Thompson, and that a few days after the battle he and others, with his captain, were taken prisoners by the Indians, and sent to Montreal, where they were sold to the British, who permitted him to return home in company with his captain on parole. And it further appears that he again enlisted in one thousand seven hundred and seventy-seven, for three years or during