

have like powers, authorities, and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits in proportion to the distance as are given and granted to the president, managers, and company of the Gap and Newport turnpike road,⁽¹⁾ excepting the stone part of said road, shall not be more than eighteen feet wide: Provided, that if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within seven years afterwards, complete the said road according to the true intent and meaning of this act, then in either of these cases, all and singular the rights, liberties, and franchises hereby granted to the said company, shall revert to this commonwealth.

Approved March 28, 1809. Recorded in L. B. No. 11, p. 337.
Note (1). Chapter 2822; Supra this volume, p. 489.

CHAPTER MMMLXXII.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA.

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 Stephen Girard, William Sansom, James Vanuxem, John Perot, Henry Pratt, Thomas M'Ewen, Martin Dubbs and Joseph S. Lewis, of the city of Philadelphia, and John Hubley, Abraham Witmer, Casper Shaffner, jun., Jacob Strickler, James Wright, and Samuel Miller, of the county of Lancaster, and William Barber, John Stewart and Godfrey Lanehart, of the county of York, be and they are hereby appointed commissioners to do and perform the several duties hereafter mentioned, that is to say: they

shall on or before the first day of July next, provide a book or books for the entering of subscriptions, and shall write therein as follows, "We whose names are hereunto subscribed do promise to pay to the president, managers and company for erecting a bridge over the river Susquehanna, at or near the town of Columbia, in the county of Lancaster, the sum of one hundred dollars for each and every share of stock in the said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined on by the president and managers in pursuance of an act of general assembly, entitled "An act to authorize the governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia "Witness our hands this day of in the year of our Lord one thousand eight hundred and ."

And shall thereupon give notice in two of the public newspapers printed at Philadelphia, and in one printed in the borough of Lancaster, and one in the borough of York, during one calendar month at least of the times and places when and where the said books shall be open to receive subscriptions, at which times and places some one of the said commissioners shall attend for that purpose and keep open the said books during six hours in each of three successive juridical days, or until four thousand shares shall be subscribed; and if four thousand shares shall not be subscribed within that period, then the said commissioners respectively may adjourn from time to time until the said number of shares shall be subscribed, of which adjournments public notice shall be given by means of newspapers at each place where the said books shall have been opened, or elsewhere as occasion may require: and when four thousand shares shall have been subscribed the books shall be closed, and public notice be thereof given in two newspapers printed at Philadelphia, in one printed at Lancaster, and in one printed at York: Provided always, that every person on entering his name in the said books as a subscriber, shall pay five dollars on each share he shall subscribe.

toward a fund, out of which shall be defrayed the expenses at tending the taking of 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, such first payment on each share to be taken and considered as a part payment on each share subscribed for.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That so soon as twelve hundred shares shall have been subscribed, the said commissioners or a majority of them may certify the same together with a list of the subscribers and the shares by each subscribed, in writing to the governor, who thereupon shall constitute the said subscribers and also all those who may in future subscribe under the provisions of this act, a body corporate and politic by the name and style of "The president, managers and company for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia," with all the privileges incident to a corporation, who shall have perpetual succession, 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 if such enlargement be necessary to fulfil the purposes of this act.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the letters patent of incorporation shall as soon as conveniently may be after sealing the same give notice in two of the public newspapers of Philadelphia, and also in one newspaper printed at Lancaster, and in one printed at York, 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 corporation, and shall choose by a majority of votes of the said subscribers taken by ballot, to be delivered either in person or by proxy duly authorized, one president, twelve managers, one treasurer, one clerk, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen, and may

make such by-laws, rules, orders and regulations (not inconsistent with the constitution and laws of this state or of the United States), as may be necessary for the well ordering the affairs of the company: Provided always, that no person shall have more than five votes whatever number of shares he may be entitled to, and each person shall be entitled to one vote for each share by him held under that number.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That a public meeting of the said stockholders shall be held on the first Monday of July in every succeeding year, in such place as shall be fixed by the rules and orders of the said company for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of the company.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president, countersigned by the treasurer and sealed with the seal of the corporation; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, twenty dollars on each share, which certificates shall be transferable either by the owner in person or by his attorney duly authorized, in the presence of the president, or of the treasurer for the time being, subject however to the payments due or that may grow due thereon, and the person to whom such transfer shall be made, shall stand in the place of the former holder of the certificate and be entitled to the same privileges in the company.

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 the business of the company, at which meetings five members shall be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings to be

fairly entered in a book kept for that purpose. And a quorum being met they shall have full power and authority to appoint such engineers, superintendents, artists, assistants and workmen as they shall deem necessary to the erection of the said bridge, and they shall fix their salaries and wages, they shall also have power to make contracts, to ascertain the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work and labor done and performed or materials found, which orders 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 such other matters and things as by this act or 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 in some one or more of the newspapers printed in Philadelphia, and also in one newspaper printed at Lancaster, and in one newspaper printed at York, of the time and places appointed for the payment of any proportion, dividend or installment of the said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall in addition to the installment so called for, pay at the rate of five per cent. per month, for every delay of such payment; and if the same and the said additional penalties shall remain unpaid, so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or a majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be

lawful for the said president and managers, their superintendents, engineers, artists, and workmen, to enter into and upon all the lands, and inclosures, near to the place where the said bridge is to be built, and to take all stones convenient, and to examine the ground for the purpose of opening quarries of stones, and of obtaining gravel, sand, or other materials, for the building of the said bridge, and to enter with teams of any kind, first giving notice to the owners, doing as little damage as possible, and repairing any breach in fences that they may have occasion to make, and making amends for any damage, they may have done, which damage shall be ascertained by the parties if they can agree; and if not, then by the appraisement of any two of three indifferent freeholders, one to be chosen by the managers, or by any three of them, one by the owner or party claiming to be aggrieved, and the third to be chosen by the two already so nominated; which freeholders shall be previously qualified by oath or affirmation, to decide to the best of their judgment, between the parties and the said managers or the persons employed by them, after tender of the appraised value, may proceed to take away any stone, gravel, sand, or earth that may be most conveniently situated for their purpose, of erecting or of repairing the said bridge: Provided, that nothing in this act contained, shall authorize the said company to erect said bridge, without the consent of the owner or 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.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall keep, or cause to be kept, fair and just accounts of all receipts, payments, and monies, still due to, from, or on part of the said company, and shall submit the same at least once in every year, to a general meeting of the stockholders; and whenever it shall appear manifestly to the said president, managers and company, at any such general meeting, or at any special meeting convened for that purpose, ac-

ording to the provisions of this act, or of the by-laws of the company, that the proposed bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete the proposed bridge, which additional shares shall be sold and regulated in all respects, and be attended with the same rights and privileges as the original shares are herein or by the by-laws, rules, and orders of the company directed to be.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge, under the authority of this act, shall be erected over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia aforesaid, the property of the same shall be vested in the said incorporated company, their successors, and assigns forever. And the said company, their successors, and assigns, are hereby empowered to erect gates, and demand and receive tolls as follows, to wit: For every foot passenger, six cents; for every carriage of whatever description, used for the purpose of trade and agriculture, having four wheels, and drawn by six horses, one hundred and fifty cents; for every such carriage, having four wheels, drawn by five horses, one hundred and twenty-five cents; for every such carriage, having four wheels, drawn by four horses, one hundred cents; for every such carriage, having four wheels, drawn by three horses, seventy-five cents; for every such carriage, having four wheels, drawn by two horses, sixty-two and one-half cents; for every such carriage, having four wheels, drawn by one horse, thirty seven and a half cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, and drawn by four horses, one hundred cents; for every such carriage, drawn by two horses, seventy-five cents; for every such carriage, drawn by one horse, fifty cents; for every carriage of whatever description, used for the purposes of trade or agriculture, having two wheels and drawn by two horses, thirty-seven and an half cents; for every such carriage, drawn by one horse, twenty-

five cents; for every chair or other two-wheeled carriage of pleasure, for every horse used therein twenty-five cents; for every sled or sleigh drawn by four horses, seventy-five cents; for every sled or sleigh, drawn by two horses, fifty cents; for every sled or sleigh drawn by one horse, thirty-one and a fourth cents; for every horse, mare, or gelding with a rider, twenty-five cents; for every horse, mare, or gelding, without a rider, eighteen and three-fourth cents; for every carriage drawn by oxen, or partly by horses and partly by oxen, to be rated in the proportion of two oxen for one horse; every head of horned cattle, three cents; every head of sheep and swine, two cents; Provided, that any person or persons going to and returning from public worship on sabbath days, or any detachment of the military of this state, and those who attend funerals, shall at all times be exempted from paying said toll.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rates or prices, for the passing over the said bridge, than what is herein-before prescribed, or shall neglect to keep the said bridge in good repair, he or they shall, for every such offense, forfeit and pay thirty dollars, one half thereof for the use of the poor of the county of Lancaster, and the other half for the use of the person who shall sue for the same, to be recovered before any two justices of the peace in and for the county of Lancaster or county of York: Provided always, that no suit shall be brought in this respect, unless within thirty days after the offense committed: Provided also, that the judgment of the said justices in any such case brought before them, shall be liable to revision, either by appeal to the court of common pleas, if the merits of the case be contested, or by certiorari if the legality of their proceedings or their jurisdiction be disputed.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers, and company shall keep a just account of all monies received by their several collectors of tolls for crossing the said

bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the said income, as may be deemed necessary for a fund to provide against the decay, the repairing, or the rebuilding of the said bridge, as time and accident may render necessary; and shall, on every first Monday in August of every year, publish the dividend to be made of the clear profits arising from the tolls, 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.

Section XIII. (Section XIII, 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, and each of them, forfeit and pay for every such offense to said corporation, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, as debts of like amount are recoverable; 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 no suit shall be brought unless within thirty days after such offense shall have been committed.

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 every third year from the date of the incorporation, until three years next after the said bridge 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 work and of the income and profits arising from the said toll during such period, together with an exact account of the 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 three years after the said bridge shall be completed, it shall appear from the average profits of the said three years, that the clear income and profits will not bear a dividend of six per cent. per annum on the whole capital stock of the said company so expended, then it shall be lawful for the said president, managers, and company, to increase the tolls herein allowed to be taken, so much on each particular item in proportion, as will raise the dividend to six per cent. 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 the three preceding years; and if at the end of any such decennial period, it shall appear from such abstract, that the clear profits and income of the said company, will bear a dividend of more than fifteen per cent. per annum, then the said tolls shall be reduced so as to reduce the said dividend to fifteen per cent. per annum.

Section XV. (Section XV, 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 three years from the passing of this act, and shall not within the space of fifteen years from the passing thereof, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to the said company.⁽¹⁾

Approved March 28, 1809. Recorded in L. B. No. 11, p. 339.

Note (1). See Chapter 3418, (Act April 2, 1811); 19 Statutes at Large.