

hundred and one acres and allowance, surveyed on the twenty-fourth day of November, one thousand seven hundred and eighty-six, in pursuance of a warrant granted to George Aston, for four hundred acres, dated March seventeenth, one thousand seven hundred and eighty-five, upon the same principles and subject to the same provisions as are contained in the preceding section: Provided, that nothing in this act contained shall be construed to impair or affect the right or title of any other person or persons whomsoever in or to the said tracts of land, or any part thereof.

Approved April 3, 1809. Recorded in L. B. No. 11, p. 366.

CHAPTER MMMC.

AN ACT TO AUTHORIZE THE GOVERNOR TO INCORPORATE A COMPANY FOR ERECTING A PERMANENT BRIDGE OVER THE RIVER SUSQUEHANNA, AT OR NEAR HARRISBURG, IN THE COUNTY OF DAUPHIN.

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 Clay, John Leamy, Henry Orth, Hugh Furguson and Lewis Rush, of the city of Philadelphia, Robert Harris, Obed Fahnestock, Christian Kunkle, John Irwine and John Downey, esquire, of Dauphin county, William Ramsey, John Wormley, and John Bowman, of Cumberland county, John Adams and Gabriel Heister, junior, of Berks county, or any five of them 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 June next procure one or more books as they shall think necessary, and therein enter as follows, to wit: "We whose names are hereunto subscribed do promise to pay to the president, directors and company for erecting a bridge over the Susquehanna, at or near Harrisburg, the sum

of two dollars at the time of subscribing, and two dollars in three months thereafter, for every share of stock in the said company set opposite to our respective names, and the residue thereof at the rate of twenty dollars for each share, in such manner and proportions and at such times as shall be determined by the president and directors chosen in pursuance of an act of the general assembly, entitled "An act to authorize the governor to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near Harrisburg," and shall thereupon proceed to receive subscriptions for the stock of the said company which is hereby declared and intended to be the sum of four hundred thousand dollars, divided into twenty thousand shares at twenty dollars each, at such times and places as they shall think proper, of which public notice shall be given in six or more newspapers (two of which shall be in the German language, one printed in Harrisburg and one in the city of Philadelphia,) and four English papers, two printed in the city aforesaid, one at Harrisburg, and one in Carlisle; and it shall be lawful for any person, body politic or corporate, to subscribe for as many shares not exceeding one hundred and twenty in one day, as he, she or they shall choose: Provided always, that every person offering to subscribe as aforesaid, in his own name shall previously pay to the attending commissioners two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such subscription and other incidental expenses, 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 is hereinafter mentioned; but the said commissioners shall reserve three thousand shares, which shall be appropriated by the president and directors, and used if the same be found requisite for the purpose herein after mentioned, of vesting therein the monies to be applied for a sinking fund to free the bridge, and to enable the president, directors and company to purchase therewith, if the same can be done, a site or place for erecting the bridge, such of the

said referred shares as are not used for these purposes to be open for further subscription or sale, as the president and directors shall, according to circumstances, deem proper.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five thousand shares in the said stock, the said commissioners respectively, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by or appropriated to each subscriber to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor by letters patent under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, those also who shall afterwards subscribe to be the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, directors and company for erecting a permanent bridge over the river Susquehanna, at or near the borough of Harrisburg," 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 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 taking, purchasing and holding to them and their successors in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal as shall be necessary and convenient to them in the prosecution of their work, 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 five persons first named in the letters patent, shall as soon as conveniently may be after sealing the same, give notice in six or more public newspapers as prescribed in the first section of this act 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, twelve directors, 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 the United States or 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 or she may have or be entitled to, and that each person shall be entitled to one vote for every share by him or her held under the said number.

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 in every succeeding year, at 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 directors first to be chosen as aforesaid shall procure certificates to be written or printed for all 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 or her subscribed or held, upon payment to the treasurer in part of the sum due thereon, the sum of two dollars for each share, which certificate shall be transferable at such person's pleasure, in person or by attorney in presence of the president or treasurer, subject however to the payments due and that may grow due thereupon; 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 the corporation, and for every certificate so 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 said president and directors on their being chosen in the first instance, shall call a meeting of the stockholders, and that meeting may appoint five of their number to examine and report the most eligible place or places for building the bridge, and to treat with any body or bodies politic or corporate, or individuals for the purchase of their respective rights or any of them, to the place or places deemed eligible, and when the said place or places and terms on which it or they can be purchased are so reported, the said stockholders or a majority of those met, may fix on the place and terms, or the said stockholders or a majority of them may at any time agree to leave the determination both of place and terms to the president and directors.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, 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 and 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 treasury for all money, to pay the salaries or wages of persons by them employed, and for the materials and labor done and provided, which shall be signed by the president, or in his absence by a majority of a quorum, and to

do and transact all other such acts, matters and things as by the by-laws, orders and regulations of the company, shall be committed to them, and the said president, directors and company shall within the space of fifteen years, erect or cause to be erected in a permanent and workmanlike manner, a good substantial bridge of wood, iron, or such other materials as to them shall seem adequate and proper, over the said river Susquehanna, at the place fixed on as herein mentioned, the said bridge to consist of one or more arch or arches, with stone abutments, and one or more pier or piers if necessary, to be at least thirty feet wide, with footways on each side, either raised or railed off for the commodious passage of foot passengers.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder after thirty days notice in six public newspapers, printed at the places mentioned in the first section of this act of the time and place appointed for the payment of any portion or dividend of the said capital stock, shall neglect to pay such proportion at the time so appointed, and for the space of forty days thereafter, 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 said 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 company aforesaid, and may and shall be sold by them to any other person or persons willing to purchase, for the best price that can be obtained therefor.

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

of the erecting or freeing the said bridge, 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 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; and if upon such liquidation, and 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, directors, and company, at stated or special meetings, 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 for such shares in like manner and under the like penalties as are herein-before provided for the original subscription; and if after the said bridge is completed, it shall be found more monies shall remain in the hands of the treasurer, than are necessary for the payment of all charges and expenses incurred in and about the erecting of the said bridge, the surplus shall be returned as part of the dividend due and payable to the stockholders respectively.

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 Susquehanna, at or near the borough of Harrisburg, at the place deemed most convenient as hereinafter mentioned, the property of the said bridge shall be vested in the said president, directors, and company, and their successors, during and unto the end of thirty years, to commence from the time when the bridge is completed; and the said president, directors and company and their successors, may demand and receive toll from travelers and others, agreeably to the following rates, which shall be written or printed, and published or placed in or near the said bridge, for the in-

formation of passengers, to wit: For every coach, landau, phaeton, or other pleasurable carriage, with four wheels, drawn by four horses, the sum of one dollar, and so in proportion if more horses are added; and for the same carriage with two horses, sixty-two and a half cents; for every loaded wagon with four horses, one dollar; and for every carriage of the same description, drawn by two horses, the sum of sixty-two and a half cents; for every chaise, riding chair, sulky, or other two-wheel carriage, or a sleigh or sled with two horses, the sum of sixty-two and a half cents, and so in proportion if more horses are added to the number herein mentioned, and for the same with one horse, thirty-two cents; for a single horse and rider, eighteen and three-fourth cents; for every horse or mule without a rider, twelve and a half cents; for every foot passenger, six and one-fourth cents; for every head of horned cattle, six and one-fourth cents; for every living sheep or swine two cents; 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: Provided always, that nothing in this act contained, shall extend to authorize the said company to erect a bridge without the consent of the owners of the ground on each side of and contiguous to the said river, where the said bridge may be erected, or to erect the same in such manner as to injure, stop or interrupt the navigation of the said river, by boat, craft or raft, and when the said tolls shall exact fifteen per centum, net annual profit, the excess shall compose a fund for the redemption of the said bridge, so as to render it free, save, that there shall always be a small toll or other revenue for the keeping it in repair, this excess shall be laid out in bridge stock, or some other productive funds, and the dividends or annual product shall also be added to this fund; and all private donations for freeing said bridge, shall likewise be received and invested in like manner; but if by the operation of the fund herein proposed, there shall be a sufficient sum to free the bridge at a period less than the said term of thirty years, then it shall be redeemed and become free, on the stockholders being

paid the appraised value thereof, and of the profits thereof for the residue of the said term of thirty years, which may then be unexpired; and if the said fund shall be adequate to the purpose last mentioned, the legislature may at any time after the expiration of the said term of thirty years, declare it a free bridge (providing at the same time the means of keeping it in repair;) and the company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisalment by disinterested persons; the like appraisalment shall take place when the sinking fund is adequate to the redemption of the bridge, and the establishment of a revenue if a toll be not thought more eligible for keeping the bridge in repair, but if the said bridge shall not be redeemed and paid for as a free bridge before or at the expiration of the said term of thirty years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in fixing the tolls of all carriages drawn wholly or part 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 president, directors, and company or their successors or any person by their authority, shall collect or demand any greater rates or prices for passing over the said bridge, than what are hereinbefore 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 either of the counties of Dauphin or Cumberland, they so offending shall, for every such offense, forfeit and pay the sum of thirty dollars, one moiety thereof for the use of the poor 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: Provided also, that the judgment of the said justice in any case brought before him, 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 his jurisdiction be disputed.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president, directors and company shall also keep a just and true account of all monies received by their several 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 stockholders, deducting first therefrom all contingent costs and charges; and such proportions of the said income as may be deemed necessary for the growing fund, to provide against the decay, and for the rebuilding and repairing the said bridge, and shall on the first Mondays in January and July 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 shall 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 directors 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 of the capital expended in the prosecution of the said work, and of the income and profits arising from the said bridge, for and during the respective periods, 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.

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 five years, after they have been incorporated, or shall not within the space of fifteen 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 XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or without the orders of the said president, directors, and company, pull down, break, or destroy with intent to injure any part or parts of the said bridge, or any abutment, pier or piers, or of any of the toll houses, gates, bars or other property of the said corporation, appurtenant to or erected, or made for the use and convenience of the said bridge, or any persons employed in conducting the business thereof, or shall wilfully, without the orders and consent of the said corporation, or any person or persons authorized by them, obliterate, deface or destroy the letters, figures or other characters in any written or printed list of rates or tolls affixed, or to be 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 thereof, he, she or they so offending shall, and each of them, shall forfeit and pay to the said president, directors and company, the sum of thirty dollars, to be sued for and recovered before any justice of the peace, in like manner and subject to the same rules and regulations as debts under one hundred dollars, may be sued for and recovered; and he, she or they so offending, may and shall remain liable to actions at the suit of the said president, directors and company, for further damages, for such torts, if the said sum or sums herein mentioned, be not sufficient to repair and satisfy such damages.⁽¹⁾

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