

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the sum of two hundred and forty thousand dollars is hereby appropriated for the purposes mentioned in this act, to be paid on warrants, drawn by the governor upon the treasury of this commonwealth, out of the fund for the support of government.

Passed March 28, 1797. Recorded L. E. No. 6, p. 182.

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CHAPTER MCMXLI.

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AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR ERECTING A BRIDGE OVER THE RIVER LEHIGH, NEAR THE TOWN OF NORTHAMPTON.

Whereas it has been represented to the general assembly, by a number of the inhabitants of this commonwealth, that the erection of a good and permanent bridge over the river Lehigh, near the town of Northampton, will be of considerable public utility:

[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 William Tilghman and George Eddy, of the city of Philadelphia, Peter Roads, Peter Ealer, Henry Haughenbaugh and Thomas Mawhorter, of the county of Northampton, 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, "We whose names are hereunto subscribed, do promise to pay to the president, managers, and company for erecting a bridge over the river Lehigh, near the town of Northampton, the sum of fifty dollars, for 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 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 erecting a bridge over the river Lehigh, near the town of Northampton" and shall, thereupon, proceed to receive subscriptions for the stock of the said company, at such times and places as they shall think proper. Provided always, That every person offering to subscribe, as aforesaid, in his own name, or any other name, shall previously pay to the attending commissioner, five dollars, for every share to be subscribed, out of which shall be defrayed the expenses attending taking 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 is hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifteen persons, or more, shall have subscribed one hundred shares in the said stock, the said commissioners, respectively, may 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 under his hand and the seal of the state, to create and erect the subscribers, and those also who shall afterwards subscribe, into one body politic and corporate, in deed and in law by the name, style and title of "The Presidents, Managers and Company for erecting a bridge over the river Lehigh, near the town of Northampton" 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 fulfill the intent of this act, and of taking, purchasing and holding to them, and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, 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 sealing the same, give notice in two or more of the public newspapers in Philadelphia, one whereof shall be in the German language, and also in the public newspapers of Easton, 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 and four managers, one treasurer, and such other officers as the 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 twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he or she may 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 August, 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 managers first to be chosen as aforesaid, shall procure certificates to be written or printed for all the shares of stock of the said com-

pany, 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 ten dollars for each share, which certificate shall be transferable at such persons' pleasure, in person or by attorney, in presence of the president or treasurer, subject however to 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 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 three 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 building of 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 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.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice, in two of the public newspapers printed at Philadelphia, one whereof shall be in the English, and one in the Ger-

man language, and also in that printed at Easton, 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 be sold by them to any other person or persons willing to purchase, for the best price that 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 the said company shall keep fair and just accounts of all moneys 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 on shares that may be forfeited, as aforesaid, and of all voluntary contributions, and also of all moneys 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, or whenever the whole capital stock of the company shall be early 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 moneys subscribed for such shares, in like manner, and under the like

penalties, as are hereinbefore provided for the original subscription.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Lehigh, near the town of Northampton, at the place where the ferry is now kept, or as near thereto as the said company shall judge most convenient, 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 passing [over the] same, agreeably to the following rate, viz. For every coach, landau, phaeton or other pleasurable carriage with four wheels, or every sleigh or sled drawn by four horses, the sum of forty cents; and for the same carriages with two horses, the sum of thirty-three cents; for every wagon with four horses when loaded, the sum of forty cents, and for the same, when empty, thirty-one cents; and for every carriage of the same description drawn by two horses, when loaded, the sum of thirty-three cents, and for the same when empty, twenty-seven cents; for every chaise, riding chair, sulkey, cart or other two wheeled carriage, or a sleigh, or sled, with two horses, the sum of twenty-five cents, and for the same, with one horse, the sum of fifteen cents; for a single horse and rider the sum of seven cents; for every led horse, or mule, the sum of five cents; for every foot passenger, the sum of one cent; for every head of horned cattle, the sum of four cents; for every sheep and swine, the sum of one cent. 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 to injure, stop, or interrupt the navigation of the said river, or the passage over the ford near to the place where the aforesaid ferry is now kept.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That, in fixing the toll of all carriages drawn wholly or in part by oxen, two [oxen] shall be estimated equal to one horse.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge than what is hereinbefore 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 fifteen dollars, one moiety thereof for the use of the poor of Allen and Northampton townships, in Northampton County, to be equally divided between the said townships, 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 XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all money 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 stockholders, deducting first therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay, and for the 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 shall cause the same 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 every third year from the date of the incorporation, until 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 capital expended in the prosecution of the said work, and of the income and profits arising from the said bridge, for and during the said 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 and known, and if, at the end of two years after the said bridge shall be completed, it shall appear, from the average profit 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, upon each and every allowance thereof, 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, that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to fifteen per centum per annum.

[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 three years after they have been incorporated, or shall not, within the space of seven 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 the legislature should, at any time after the year one thousand eight hundred and twenty, think proper to take possession of the said bridge, three persons shall be appointed by the legislature, three by the president and managers of the said company, and three by the judges of the supreme court of this state, who, or any six or more of them, shall proceed to examine, and, by a majority of votes, estimate and determine the value of the property which the said company have therein, and certify the amount thereof to the governor of



this commonwealth, who shall cause the same to be laid before the legislature, at their next session, and whenever the amount so certified shall be by law paid to the said company, their right to take toll on the said bridge, together with all their right, title, claim and interest therein shall cease and determine.

Passed March 28, 1797. Recorded L. B. No. 6, p. 176.

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CHAPTER MCMXLII.

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AN ACT FOR THE ERECTION OF AN ELECTION DISTRICT IN NORTH-AMPTON COUNTY.

[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 town of Bethlehem, and that part of Bethlehem township which lies west of the road leading from Bethlehem to Nazareth, and the township of Allen, in the county of Northampton, are hereby erected into a separate election district, and the freemen thereof shall hold their general elections at the house now occupied by Adam Shener in Allen township aforesaid.

Passed March 31, 1797. Recorded L. B. No. 6, p. 187.

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CHAPTER MCMXLIII.

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AN ACT TO ERECT A SEPARATE ELECTION DISTRICT IN THE COUNTY OF LANCASTER.

[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 townships of Strasburg, Sadsbury, Bart, and that