

waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the clerk of the court of Quarter Sessions in each of the counties of Mercer and Butler, on the first day of November next, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid; and each of the said commissioners shall receive the sum of one dollar and fifty cents for each day they shall be necessarily employed in said work, together with a reasonable allowance for a surveyor, and a per diem allowance, not exceeding seventy-five cents, for chain carriers and axe man, which shall be paid by the respective counties of Mercer and Butler, in proportion to the distance of road in each county, by their county treasurers, on orders drawn by the commissioners for that purpose.

Where and when to be deposited.

Pay of commissioners, & allowance for assistants.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the commissioners of Perry county be, and they are hereby authorized and required to settle and adjust the accounts of Solomon Bower and Henry Mumper, commissioners appointed by the twenty-eighth section of the act of fourth May, eighteen hundred and thirty-two, entitled An act to authorize the laying of a state road in Lancaster and Berks counties, and for other purposes; and to pay the said Solomon Bower and Henry Mumper one dollar and fifty cents each out of the county funds, for each and every day necessarily spent in the discharge of the duties imposed on them by said act.

Com'rs. of Perry co. authorized to adjust certain accounts of S. Bower and H. Mumper.

SAM'L. ANDERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The ninth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

No. 169.

AN ACT

Authorizing the Governor to incorporate two companies to build bridges over the river Schuylkill in Berks county.

SECT. 1. *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 David Bright, Jacob Gehr,

Bridge at
Leiss' mill.
Com'rs. ap-
pointed to
open sub-
scription
books.

Form of sub-
scription.

Shares §25
each.

Duties of
stock com'rs.

Proviso.
§2 to be paid
upon each
share at time
of subscrip-
tion.

2d proviso.
Co'ty com'rs.
may take one
third of stock.

John Stauch and Henry Hahn of the borough of Reading, Adam Leiss of Alsace township, Jacob Ebling, Jacob Kline, William Hain and Philip Fox of Bern township, all of Berks county, be and the same are hereby appointed commissioners to do and perform the several duties hereinafter mentioned: that is to say, they shall, on or before the first Monday of May next, procure a book or books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorized to erect a bridge over the river Schuylkill near to Leiss' mill, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c." Witness our hands this day of one thousand eight hundred and thirty- ;" and shall thereupon give notice in two newspapers printed in the said county, for one calendar month at least, of the times and places, when and where such book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until three hundred and fifty shares shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to three hundred and fifty shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his own name or in the name of any other person, shall at the time of subscribing, pay to the attending commissioner or commissioners, two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the taking of 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 thereof chosen, as hereinafter directed: *And provided further*, That it shall be the duty of the commissioners of the county of Berks, to subscribe and pay for one-third part of the stock of the said bridge, if

they or a majority of them approve of the same: *And provided also,* That the county shall at any time hereafter have the right of buying out the company, by re-imbursing to the stockholders such money as, together with the interest, they may have expended in the erection and completion of the said bridge.

Right of purchase reserved to county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when two hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor, 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 if the said subscription be not full at the time then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Schuylkill bridge, at or near Leiss' mill," and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of 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 be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a body politic or corporate may lawfully do.

Charter to issue upon certificate of the subscription of 200 shares of stock.

Style of corporation.

Privileges & liabilities.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in two or more of the public newspapers in the county of Berks, 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 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 or by proxy duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen, as is hereinafter directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this Commonwealth, as shall be found necessary for the well ordering the affairs of the said company, and generally to have all the powers,

Three first named persons in charter to superintend organization.

President, 6 managers, treasurer, &c.

authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

Of the annual elections.

Proviso.
Each share entitled to one vote up to 10.

SECT. 4. *And be it further enacted by the authority aforesaid,* That a public meeting of the stockholders shall be held annually at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided,* That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that every person shall be entitled to one vote under ten.

Of the certificates of stock and mode of transfer.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer, in part for the sum due thereon, five dollars on each share, which certificate shall be transférable, 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 growing due thereon, and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

General powers of the president and managers.

SECT. 6. *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 prescribed by the by-laws, at which meeting 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 at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same, or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all matters and things as by this act, or the by-laws of the company, shall be committed to them, and shall annually, under oath or affirmation, in the month of January,

publish in at least two newspapers of the county, an account of the receipts and expenditures and dividends declared by them.

Annual publication of accounts.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder after thirty days notice given in any two or more newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee shall in addition to the proportion so called for, pay at the rate of three per cent per month, for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time, that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor, or the president and managers may sue for and recover the same, before any justice of the peace or before any court of competent jurisdiction.

Penalty on neglect of stockholders to pay instalments.

SECT. 8. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said 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 said bridge; which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Extension of capital stock authorized.

SECT. 9. *And be it further enacted by the authority aforesaid,* That when a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and assigns forever, and the said company and assigns are hereby empowered to erect gates and demand and receive toll at not exceeding the following rates, to wit: for every score of sheep, six and a quarter cents; for every score of hogs, ten cents; for every score of cattle, twenty cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, six and a quarter cents; for every foot passenger, one cent; for every sulkey, chair or chaise with one horse and two wheels, twelve and a half cents; for every chariot, coach, phaeton or chaise with two horses and four wheels, eighteen and three-quarter cents; for either of the aforesaid carriages with four horses, twenty-five cents; and for every other carriage of pleasure under whatever name, the like sum according to the number of horses drawing the same; for every stage wagon with two horses, twelve and a half cents; for every such wagon drawn by four horses, twenty-five cents; for every sleigh, six and a quarter cents, for every horse drawing the same,

Upon completion of bridge, property vested in comp'y.

Rates of toll authorized.

Proviso.
Increase of
toll allowed
on heavy
wagons.

2d proviso.
Exempts
from toll.

Penalty on
extortion and
neglect by
company or
agents.

Annual de-
claration of
dividends.

Proviso.
Reservation
of contingent
fund directed.

for every sled, six and a quarter cents, for each horse drawing the same; for every wagon or cart, six and a quarter cents, for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it, the said president and managers however, to have the power to increase the rate of toll to be demanded for any carriage of burthen crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same: *And provided also*, That no toll shall be demanded from any person attending funerals, churches or schools or going to or returning from any militia training.

SECT. 10. *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 toll for passing over said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, they so offending shall for every such offence forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same, but no suit shall be brought, unless commenced within thirty days after the offence shall have been committed.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge or otherwise, and shall make and declare a dividend of the profits and incomes, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the 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: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and re-building said bridge, in case of decay or injury, and the same to invest on such security, or in such stock, as they shall deem safe and productive, and the interests arising from the same again to invest, and the same stock to sell

or transfer at any time, when the funds may be required for the purpose aforesaid.

SECT. 12. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman, or men of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of the said county, that he or they will faithfully conduct him or themselves, in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said bridge.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars, or any other property of the said corporation appurtenant to, or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll affixed in any place or places, for the information of passengers and others, or who shall wilfully or 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 each and every such offence to said corporation, the sum of ten dollars, to be recovered before any justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern, or in some vessel secured so that the possibility of setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any pistol, gun or other fire arms, on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid, but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed; and he or they so offending, shall remain liable to actions at the suit of the 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 said bridge shall not be erected at any place on the land or property of the Schuylkill Navigation

Oaths of toll collectors and watchmen.

Penalty on persons doing wilful injury to property of company.

Obstructing passage of bridge.

Carrying fire, &c.

Time of commencing suits

Proviso.

Injury to works of Schuylkill Navigation guarded against.

company; nor so as to do any damage or injury, or in any manner to obstruct the Schuylkill Navigation company in their works, and that the abutment at the east side of the river shall be so placed as to allow not less than eight feet for the width of the tow path of the Schuylkill Navigation company, nor less than eight feet in height from the top of the tow path to the under part of the bridge, so as at all times to allow a free passage for horses along the same.

Two years allowed to commence, and three thereafter to complete bridge.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not within the space of three years thereafter 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.

Bridge at Bell's mill. Commiss'rs. appointed to open subscription books.

Form of heading.

Shares \$25.

SECT. 15. *And be it further enacted by the authority aforesaid,* That Anthony Bickel, William Eckert, Samuel Bell, William Lash, of Reading, Abraham Kissinger, Daniel Deppen, Michael K. Boyer, Adam Kalbach and Jacob Conrad, of Bern township, all of Berks county; be and the same are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned that is to say, they shall on or before the first Monday of May next; procure a book or books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company, authorized to erect a bridge over the river Schuylkill, near to Bell's mill; for the use of the said company the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions and at such times and places as shall be determined by the president and managers, in pursuance of an act of the General Assembly of this Commonwealth, entitled 'An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill,' &c. Witness our hands this day of one thousand eight hundred and thirty ;" and shall thereupon give notice in two newspapers printed in the said county for one calendar month at least of the times and places when and where such book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend and shall keep open said book or books, at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty one years, to subscribe therein in his own name, or in the name or names of any other person or persons by whom he shall be authorized to do so for any number of shares in the said stock, until three hundred and fifty shares shall be subscribed, when the books shall be closed, but if the whole

Commiss'rs. duties relative to receiving subscriptions.

number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to three hundred and fifty shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books in his own name or in the name of any other persons, shall at the time of subscribing, pay to the attending commissioner or commissioners two dollars on every share so subscribed out of which money shall be defrayed the expenses attending the taking of 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 thereof chosen as is hereinafter directed: *And provided further*, That it shall be the duty of the commissioners of the county of Berks, to subscribe and pay for one third part of the stock of the said bridge if they or a majority of them shall approve of the same: *And provided also*, That the county shall at any time hereafter have the right of buying out the company by reimbursing to the stockholders such money as together with the interest they may have expended in the erection and completion of the said bridge.

Proviso.
\$2 to be paid down on each share at time of subscribing.

2d proviso.
Co. comm'rs. may subscribe one third of stock.
3d proviso.
Right of purchase reserved to county

SECT. 16. *And be it further enacted by the authority aforesaid*, That when two hundred shares of the said stock shall have been subscribed, the said commissioners or a majority of them shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the Governor, 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 subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style, and title of "The president, managers and company of the Schuylkill bridge, at or near Bells' mill, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of 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 be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all

Charter may issue upon subscription of 200 shares.

Style of corporation.

Privileges and liabilities

and every other matter and thing which a body politic or corporation may lawfully do.

Certain sect's
of act relative
to Leiss'
bridge made
applicable to
this bridge.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth sections of the foregoing act, be, and they are hereby extended to the last mentioned company, to all intents and purposes.

Act of 24th
Jan. 1832,
relative to
bridge at
Medler's
Ford repealed

SECT. 18. *And be it further enacted by the authority aforesaid,* That the act passed the twenty-fourth day of January, eighteen hundred and thirty-two, authorizing the commissioners of Berks county, to build a toll bridge over the river Schuylkill at Medler's ford, be, and the same is hereby repealed.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

APPROVED—The ninth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

No. 170,

AN ACT

Directing the collection of a debt due to the Commonwealth.

Preamble:

WHEREAS it appears from sundry public documents, that a contract was entered into by the mayor, aldermen and citizens of Pittsburg with the Commonwealth of Pennsylvania, for the guarantee by the said mayor, aldermen and citizens to this Commonwealth, of the payment under certain conditions and provisions of the excess of expenditure in the construction of a canal through the city of Pittsburg, beyond the sum of sixty five thousand five hundred and sixty seven dollars thirty five cents, and a dispute has arisen as to the performance of said contract and the amount due on said guaranty: Therefore,

SECT. 1. *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 Auditor General be and is hereby directed to apply to the mayor, aldermen and citizens of Pittsburg, for