

[No. 81.]

AN ACT

To authorize the construction of a toll bridge over the river Schuylkill, at or near Windsor Haven, in Berks county, and for other purposes.

SECTION 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 James and Joshua Reber, of Berks county, be and they are hereby authorized to construct a toll bridge over the river Schuylkill, at or near Windsor Haven in said county, and for that purpose (should they be unable to contract for the land necessary for the execution of said bridge,) upon the petition of the said James and Joshua Reber, to the court of common pleas of Berks county, the said court shall appoint three suitable citizens of said county, who after being duly sworn or affirmed, shall carefully view and examine such land as may be necessary for the purpose of erecting and completing the said bridge, and for making all necessary roads or causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the land necessary to be taken for the purpose aforesaid; and, having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such land, shall make an appraisement thereof in writing, and the same shall return (together with a map describing the bounds of such lands) to the court of common pleas aforesaid, and the said appraisement having been confirmed by the said court, shall be filed in the office of the clerk of the court of quarter sessions of said county, together with the said map, and the said James and Joshua Reber, having paid to the said owners respectively the several sums of money awarded to be paid to them, together with the costs of the appraisement, the said James and Joshua Reber, shall have, hold, and enjoy the said lands to them, and their heirs, and assigns, in fee, as fully and effectually as if they had been granted by the owner or owners thereof.

Com'issioners
named

When gates
to be erected

SECTION 2. When a safe passage may be secured across said bridge, the said James and Joshua Reber, and their heirs and assigns, are hereby empowered to erect gates, and demand and receive tolls not exceeding the following rates, to wit: for

every score of sheep five cents ; for every score of hogs eight cents ; for every score of cattle fifteen cents ; and so for a greater or less number ; for every horse or mule two cents ; for every horse and rider five cents ; for every foot passenger one cent ; for every sulkey, chair, or chaise, with one horse and two wheels, ten cents ; for every coach, chariot, phaeton, or chaise, with two horses and four wheels, fifteen cents ; for the aforesaid carriages with four horses twenty 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 ten cents ; for every such wagon drawn by four horses twenty cents ; for every sleigh five cents for each horse drawing the same ; for every sled five cents for each horse drawing the same ; for every wagon or cart five 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 James and Joshua Reber, and their heirs, and assigns, to have power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeing treble the above rates.

Tolls

SECTION 3. If the said James and Joshua Reber, or their heirs or assigns, 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 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 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.

Penalty for neglect to keep bridge in repair

SECTION 4. 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 appertaining to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully 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 bridge, or any part or parts thereof, he, she, or they, so offending, shall forfeit and pay for

Penalty for injuring bridge

each and every such offence to the said James and Joshua Reber, or their heirs and assigns, the sum of five dollars, to be recovered before any justice of the peace having jurisdiction thereof, as debts of a like amount are recoverable, and if any person shall be guilty of carrying any lighted segar, 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 discharge any pistol, gun, or other fire-arms, on or near said bridge, so that the said bridge might by possibility be set on fire, or injured thereby, he, she, or they so offending, shall forfeit and pay to the said James and Joshua Reber, or their heirs and assigns, 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, she, or they, so offending, shall remain liable to actions at the suit of the said James and Joshua Reber, or their heirs or assigns, 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 so as to do any damage or injury, or in any manner to obstruct the Schuylkill navigation company in their works.

Additional
tolls for Monongahela
navigation
company

SECTION 5. That it shall be lawful for the board of managers of the Monongahela Navigation Company, in addition to the amount they now owe, to borrow from time to time any sum or sums of money, not in the whole exceeding two hundred thousand dollars, to enable them to complete and repair their works and to carry on their business, and to secure the payment of the certificates to be given therefor, which certificates shall be in sums not less than one hundred dollars, and all other claims against the said company, to execute a mortgage or mortgages, on their navigation and all other property, and on the tolls, rents, issues, and profits accruing therefrom, or any portion or portions thereof, and that in case of a sale under the said mortgage or mortgages, the purchasers shall have and enjoy the same corporate privileges, and the same rights in the mortgaged portion or portions of the said navigation, and in the collection of tolls, as the said Monongahela navigation company now have, and shall be authorized to organize and continue the corporation by the division of their capital into shares, and by the election of managers and officers in like manner; and, if the mortgage or mortgages shall so stipulate, the said Monongahela navigation company, may continue in possession and management of the mortgaged property, as well personal as real, without prejudice to the secu-

urity of the mortgage thereon : *Provided*, That no dividend of profits shall be made to the stockholders, of the Monongahela Navigation company, while any loan which may have fallen due shall after demand remain unpaid : *And provided also*, That all profits arising from the business of the said company after defraying the expenses thereof, and of the completion and repairs of their works, shall be applied in the first place to the payment of the interest on all loans of the company, and then to the payment of the principal of all loans, and other debts, which for the time being shall be due and unpaid.

SECTION 6. All mortgages executed and acknowledged under the provisions of this act, shall be recorded in the recorders office of the county of Fayette, within thirty days after such acknowledgement, and such recording, shall be as good and effectual in law to all intents and purposes as if the same had been recorded in all the counties in which the said mortgaged property may be situated or be, and all legal proceedings had upon said mortgage, shall be instituted in the court of common pleas of Fayette county, whose judgment and final process, shall be as effectual as if all property was situated in said county, and no proceeding shall be had on any such mortgage until the expiration of ten years from the date thereof, and in all cases of sale on any such mortgage the proceeds thereof shall be applied pro rata to the payment of all debts of said company of every description whatsoever.

SECTION 7. That the several supervisors of the public highways of their respective townships in this Commonwealth are hereby severally authorized and empowered to subscribe for so much capital stock in such turnpike companies, who have constructed, or may hereafter locate and construct, any such turnpike road through such township as may be agreed upon by the tax-payers of said respective townships.

SECTION 8. That where any such turnpike as aforesaid may now pass, or hereafter be constructed, or that when any turnpike company may contemplate to make a turnpike road through any of such townships, it shall be the duty of the respective supervisors of such townships, as often as may be required by request made in writing by at least twelve tax-payers of said township, to cause public notice to be given on a day therein mentioned, by at least six printed or written advertisements, affixed at as many of the most noted places in said township, at least one week before said day, that an election will be held on said day, at the usual place where the township elections are held, to elect township officers ; said election to be opened between the hours of one and two o'clock of that day by said supervisors, to be assisted by two qualified citizens, chosen by such citizens qualified to vote as shall then

be present, who shall be judges of said election; and such citizens of said township qualified to vote at a general election shall, between the hours of one and six o'clock of that day, decide by ballot for or against accepting the provisions of this act, and at the same time decide by ballot the amount of stock to be subscribed for on behalf of said township; the acceptance and the non-acceptance of this act, and the amount of stock to be subscribed for, shall be governed by the majority of votes at any such election, and the said judges and supervisors shall make duplicate returns under their hands of all such elections, one to be retained by the supervisors, and the other delivered to the president of such turnpike company, who may have constructed, or about to construct such turnpike through said township, and if there should be a majority of votes at any such election in favor of accepting the provisions of this act, it shall be the duty of the supervisors of such townships on behalf of the citizens thereof, to subscribe for so much capital stock in such turnpike company as may have been agreed upon at such election, and shall assess such an amount of tax on the citizens of such township as may be requisite for the disbursement of the same, to be assessed and collected in such manner as is provided for taxes to be levied and collected to keep the public highways in repair; and it shall be the duty of the several supervisors of such townships to receive all dividends and emoluments arising on such stock, and apply the same towards keeping the public highways in such township in repair, and such supervisors shall receive such compensation for their services, that they may be entitled to receive for like services in said township.

SECTION 9. So much of the first proviso of the act, passed June third, eighteen hundred and forty, entitled a further supplement to the acts concerning writs of partition, as declares that the demandant's estate must be a fee simple, be and the same is hereby repealed, and from and after the passage of this act, proceedings in partition in the manner and form, and with the effect in said act, may be instituted by persons having legal or equitable life estates in any real estate.

SECTION 10. The county commissioners of Philadelphia county, are hereby authorized and required to pay to the owners of property on the line of Lybrand street, in the city of Philadelphia, between Race and Vine streets, the amount of damages assessed in their favor by the jury appointed for that purpose, according to their report, as filed in the office of the clerk of the court of quarter sessions for the said county, and confirmed by the said court on the sixth day of July, Anno Domini eighteen hundred and thirty-five, notwithstanding the expiration of one year from the return of the said

Action in partition

Commissioners of Philadelphia to pay for property

viewers, to assess damages, and that all the proceedings in relation to the opening and extending of said Lybrand street, shall be considered to be in as full force and effect as if the said damages had been paid within the time prescribed by the third section of the act of the twenty-fifth March, anno domini eighteen hundred and five; and the mayor of said city, shall cause such street to be forthwith opened, according to the report, and in conformity with the draft or plan of the jury of view, as the same are now of record in the said court of quarter sessions: *Provided*, That no portion of this act shall take effect, unless the county board shall make the appropriation necessary for the purpose.

SECTION 11. If any person who has, or shall be elected to the office of coroner, shall neglect or refuse for the space of three months next after such election, to assume the duties of said office, and to comply with the requisitions of the acts of assembly in such cases: *Provided*, That the said office shall be treated as vacant; and it shall be the duty of the Governor to appoint and commission some suitable person to fill such vacancy, who shall hold and enjoy said office, and all the emoluments appurtenant thereto, until the next general election thereafter, and no fees shall hereafter be charged on commissions issued to the coroners of the several counties of this commonwealth.

An act authorizing coroners to be commissioned

SECTION 12. That from and after the passage of this act, it shall not be lawful for any person or persons to cast, draw, or use, or to direct, permit, or aid in casting, drawing, or using, any seine, net, or other device, for the taking of shad in, or obstructing their passage through, any sluices left open, or constructed for the passage of any rafts and other craft in the dam erected in the river Susquehanna, at Columbia, in the counties of Lancaster and York, and at Conestoga, in the county aforesaid, nor within one hundred perches above and below said sluices, nor within thirty perches of either side of said sluices.

Prohibiting the taking of fish in Susquehanna at certain places

SECTION 13. Every offender against any of the provisions of this act, and every owner of any seine, net, or other device, for the taking of shad, who shall knowingly and wilfully permit the same to be used, for the taking of shad, contrary to the aforesaid provisions, shall, on conviction thereof, in the court of quarter sessions of the proper county, forfeit and pay the sum of twenty-five dollars for the use of the party who shall make the complaint, and shall also suffer imprisonment in the county jail any term not less than ten nor more than thirty days.

Penalty

SECTION 14. In addition to the penalties now imposed by law upon persons offending against the provisions of the act

Penalty

passed the fourth day of March, one thousand eight hundred and thirty-five, prohibiting fishing for shad in the sluices of the dams at Duncan's Island, Shamokin Ripples, and Nanticoke, any person offending against the provisions of said act, upon conviction as aforesaid, shall be imprisoned in the county jail any term not less than ten nor more than thirty days.

Writ of Error
to issue before
final judgm't
in partition

SECTION 15. That from and after the passage of this act, writs of error may be sued out, upon the judgment *quod partitio fiat* in all actions of partition, now pending in the courts of common pleas, or that may hereafter be brought, and the supreme court shall hear and determine the same, as if the said writ or writs of error were issued on the final judgments in said proceedings.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 82.]

AN ACT

In relation to the County of Philadelphia.

Appropriat'n
of taxes

SECTION 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 in addition to the powers now conferred by law on the county board of the city and county of Philadelphia, the said board shall have the power of specifically appropriating such of the proceeds of the county rates and levies, as shall not be appropriated by law, and for that purpose the said board shall meet at such times as it shall deem necessary, at least once in two months: *Provided,* That the said board may meet at Harrisburg, during the session of the legislature, upon a requisition made by the county commissioners, and the said county board is hereby authorized to appoint a clerk, and determine the amount of his salary, who shall keep correct minutes of their proceedings, and to enact such rules and